



FOLLOW-UP MECHANISM FOR THE
IMPLEMENTATION OF THE INTER-AMERICAN
CONVENTION AGAINST CORRUPTION
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GRENADA

FINAL REPORT

SUMMARY OF THE REPORT

This report contains a comprehensive review of the implementation of the recommendations formulated to the Grenada in the Second Round Report with respect to paragraphs 5 and 8 of Article III of the Inter-American Convention against Corruption. These provisions refer, respectively, to systems for hiring public officials and procurement of government goods and services, systems for protecting public officials and private citizens who in good faith report acts of corruption, and classification of the acts of corruption envisaged in Article VI of the Convention. The report also makes reference, where appropriate, to new developments in implementing those provisions.

The report also includes a conference of analysis of the implementation in the Grenada of paragraphs 3 and 12 of Article III, regarding, respectively, measures to establish, maintain, and strengthen instructions to government personnel to ensure proper understanding of their responsibilities and the ethical rules governing their activities, and the study of preventive measures that take into account the relationship between equitable compensation and probity in public service, which were selected by the MESICIC Committee of Experts for the Fifth Round. The report also includes best practices reported by the State in implementing the provisions selected for the second and fifth rounds.

The review was conducted in accordance with the Convention, the Report of Buenos Aires, the Committee's Rules of Procedure, and the methodologies it has adopted for conducting on-site visits and for the Fifth Round, including the criteria set out therein for guiding the review based on equal treatment for all states parties, functional equivalence, and the common purpose of both the Convention and the MESICIC of promoting, facilitating, and strengthening cooperation among the states parties in the prevention, detection, punishment, and eradication of corruption.

The review was carried out mainly taking into account Grenada's response to the questionnaire and information gathered during the on-site visit to that state from October 11 to 13, 2017, by representatives of Suriname and the United States. With the support of the Technical Secretariat of MESICIC, during that visit, the information furnished by Grenada was clarified and supplemented with the opinions of civil society organizations, the private sector, and professional associations on the issues under review.

With regard to the implementation of the recommendations that were formulated to Grenada in the report from the Second Round, based on the methodology for the Fifth Round and bearing in mind the information provided in the response to the questionnaire and during the on-site visit, the Committee made a determination as to which of those recommendations had been satisfactorily implemented, which required additional attention, which should be reframed, and which were no longer valid.

As regards government hiring systems, it is worth underscoring the following: the adoption of an administrative procedure which requires ministries and departments to submit through a form the names of at least three eligible officers for appointment, which includes a provision for justification to be provided for the selection or non-selection of an officer.

In relation to government systems for the procurement of goods and services, noteworthy are the Promulgation of the Public Procurement and Disposal of Public Property of 2014, which replaces the Public Procurement and Contract Administration Act, as well as the Public Procurement and Disposal of Public Property Regulations of 2015.

With respect to protection for officials and persons who report acts of corruption, attention should be drawn to the promulgation of the Integrity in Public Life Act, 2013, which establishes a channel for the citizenry to file complaints when they believe that a person in public life is in breach of any provision of the Code of Conduct.

Some of the recommendations made to Grenada in the second round that are still pending or have been rephrased are Adopt, through the appropriate legislative or regulatory procedures, provisions that explicitly provide that government hiring into the public service is to be based on the principle of merit, based on written competitive examinations and interviews; Adopt, through the appropriate legislative or administrative procedures, the different stages that comprise the process of selecting and appointing the persons who will be performing activities or functions in the name of the State or in the service of the State; enact, through the appropriate authority, a comprehensive law on protection of public officials and private citizens who in good faith report acts of corruption, including protection of their identities, in accordance with the Constitution and the fundamental principles of its domestic system of laws, to which end it might consider the criteria outlined in the *Model Law to Facilitate and Encourage the Reporting of Acts of Corruption and to Protect Whistleblowers and Witnesses*; and Modify Sections 4(1) and 5(1) of the Prevention of Corruption Act, so as to be more fully consistent with Article VI(1)(b) of the Convention, by incorporating thereto the element of granting a gratification to a public officer.

In addition, with respect to new developments in Grenada in the implementation of the provisions of the Convention selected for the Second Round, the Committee made recommendations in the sense of adopting provisions, either through legislation or regulation, so that all persons serving in the public sector, regardless of the manner they were hired, have access to a mechanism to clarify, modify or revoke substantive actions in government hiring processes, as well as to process other administrative grievances; implement the current Public Procurement and Disposal of Public Property Act 2014 and the Public Procurement and Disposal of Public Property Regulations 2015, in to ensure the objectivity, transparency and openness of the procurement process. The Committee will formulate a recommendation in this regard; establish controls to ensure that public entities comply with the Public Procurement and Disposal of Public Property Act of 2014 and its Regulations; and eliminate the existing discrepancies concerning the exceptions to the applicability of the Public Procurement and Disposal of Public Property Act 2014 and that of its Regulations.

For the analysis of the provisions selected for the Fifth Round, which, as envisaged in Article III (3) of the Convention, concerns instruction to government personnel to ensure proper understanding of their responsibilities and the ethical rules governing their activities, in keeping with the methodology for this round, the State under review chose the Judiciary, the Audit Department and the Integrity Commission, because it considers their institutional and normative developments to be relevant and representative of Grenada's entities and institutions as a whole.

This review sought to determine whether, in relation to those groups of personnel, provisions and/or measures have been adopted to ensure proper understanding of their responsibilities and the ethical rules that govern their activities, the manner and timing of that instruction, the programs envisaged for that purpose, the bodies with responsibilities in that regard, and objective results obtained from the application of those provisions and/or measures governing the activities of the personnel of the

aforementioned institutions. At the same time, it took note of any difficulties and/or shortcomings in accomplishing the object of that provision of the Convention.

Some of the recommendations formulated to Grenada in relation to the foregoing address purposes such as the following:

As regards to the personnel of the Judicial branch, adopt programs for the staff of the Office of the Registrar, as well as other Court personnel, to ensure proper understanding of their responsibilities, as well as induction, training, or instruction programs and courses on the ethical rules that govern their activities and, in particular, on the consequences of their infringement for the civil service and for violators.

As regards to the Audit Department, include in the training programs offered to the staff under its authority, modules regarding awareness of the risks of corruption inherent in the performance of their functions, as well as of the consequences of failure to abide by them for public institutions and for wrongdoers; and strengthen the Audit Department by providing them, subject to availability of fund, with the financial resources needed to provide and receive training regarding proper understanding of their responsibilities and the ethical rules governing their activities.

As regards to the Integrity Commission, include in the training programs offered to the staff under its authority, modules regarding awareness of the risks of corruption inherent in the performance of their functions, as well as of the consequences of failure to abide by them for public institutions and for wrongdoers.

In keeping with the above Methodology, the review of the second provision selected for the Fifth Round, envisaged in Article III (12) of the Convention, sought to determine if the State has studied further preventive measures that take into account the relationship between equitable compensation and probity in public service and if it has established objective and transparent guidelines for determining civil servant remunerations. On that basis, it is recommended to Grenada that it consider adopt a wage policy law that establishes, as a minimum, objective and transparent criteria for equitable compensation in the public sector.

**COMMITTEE OF EXPERTS OF THE FOLLOW-UP MECHANISM FOR THE
IMPLEMENTATION OF THE INTER-AMERICAN CONVENTION AGAINST
CORRUPTION**

**REPORT ON FOLLOW-UP ON IMPLEMENTATION IN GRENADA OF THE
RECOMMENDATIONS FORMULATED AND THE PROVISIONS REVIEWED IN THE
SECOND ROUND, AND ON THE PROVISIONS
OF THE CONVENTION SELECTED FOR REVIEW IN THE FIFTH ROUND^{1/}**

INTRODUCTION

1. Content of the report

[1] As agreed upon by the Committee of Experts (hereinafter “the Committee”) of the Follow-up Mechanism for Implementation of the Inter-American Convention against Corruption (hereinafter “MESICIC”) at its Twenty-fourth Meeting,^{2/} this report will first refer to follow up on the implementation of the recommendations formulated to Grenada in the report from the Second Round of Review,^{3/} and which were deemed by the Committee to require additional attention in the report from the Third Round^{4/}.

[2] Second, where applicable, it will refer to new developments in Grenada with regard to the Convention (hereinafter “the Convention”) provisions selected for the Second Round, in such areas as legal framework, technological developments, and results, and will proceed to make any necessary observations and recommendations.

[3] Third, it will address the implementation, in Grenada, of the provisions of the Inter-American Convention against Corruption selected by the Committee of Experts of the MESICIC for the Fifth Round of Review. These provisions are as follows: Article III, paragraphs 3 and 12, regarding, respectively, the measures relating to “[i]nstruction to government personnel to ensure proper understanding of their responsibilities and the ethical rules governing their activities” and to “[t]he study of preventive measures that take into account the relationship between equitable compensation and probity in public service.”

[4] Fourth, it will refer to the best practices that the country under review wished to voluntarily share regarding the implementation of the provisions of the Convention selected for the Second and Fifth Rounds.

2. Ratification of the Convention and adherence to the Mechanism

^{1/} This report was adopted by the Committee in accordance with the provisions of Articles 3 (g) and 25 of the Committee's Rules of Procedure, at the March 15, 2018 plenary session, within the framework of the Thirtieth Meeting of the Committee, held at OAS headquarters in Washington, D.C., from March 12 to 15, 2018.

^{2/} Available at: http://www.oas.org/juridico/docs/XXIV_min.doc.

^{3/} Available at: http://www.oas.org/juridico/english/mesicic_II_inf_grd_en.pdf

^{4/} Available at: http://www.oas.org/juridico/PDFs/mesicic3_grd_en.pdf

[5] According to the official records of the OAS General Secretariat, Grenada deposited the instrument of ratification of the Inter-American Convention against Corruption on January 16, 2002.

[6] In addition, Grenada signed the Declaration on the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption on June 4, 2002.

I. SUMMARY OF THE INFORMATION RECEIVED

1. Response of Grenada

[7] The Committee wishes to acknowledge the cooperation that it received throughout the review process from Grenada and in particular, from the Attorney General's Chambers, which was evidenced, *inter alia*, in its reply to the questionnaire, in the constant willingness to clarify or complete its contents, as in the support provided for execution of the on-site visit referred to in the following paragraph. Together with its response, Grenada sent the provisions and documents it considered pertinent.^{5/}

[8] The Committee also notes that the Country under review granted its consent for an on-site visit, in keeping with provision 5 of the *Methodology for Conducting On-Site Visits*.^{6/} That visit was conducted from October 11 to 13, 2017, by the representatives of Suriname and the United States, in their capacity as members of the Review Subgroup, with the support of the MESICIC Technical Secretariat. The information obtained during that visit is included in the appropriate sections of this report and the agenda for the visit is attached hereto, in accordance with provision 34 of the *Methodology for Conducting On-Site Visits*.

[9] For its review, the Committee took into account the information provided by Grenada up to October 13, 2017, and that furnished and requested by the Secretariat and the members of the Review Subgroup to carry out its functions, in accordance with the *Rules of Procedure and Other Provisions, the Methodology for Follow-up on the Implementation of the Recommendations Formulated and Provisions Reviewed in the Second Round and for the Analysis of the Convention Provisions Selected for the Fifth Round*, and the *Methodology for Conducting On-Site Visits*.^{7/}

2. Documents and information received from civil society organizations and/or, *inter alia*, private sector organizations, professional organizations, and academics and researchers

[10] The Committee did not receive documents or information from civil society organizations within the time frame established in the schedule for the Fifth Round, pursuant to Article 34 (b) of the Committee's Rules of Procedure

[11] However, in the course of the on-site visit conducted in the country under review, information was collected from civil society and private sector organizations, as well as professional associations invited to participate in the meetings to that end, in keeping in the provisions contained in item 27 of the *Methodology for Conducting On-Site Visits*. A list of those persons is included in the agenda for

⁵ Said response and the provisions and documents are available at:

http://www.oas.org/juridico/english/mesicic5_grd.htm

⁶ Document SG/MESICIC/doc.276/11 rev. 2, available at:

http://www.oas.org/juridico/english/met_on-site.pdf.

⁷ This information is available at: http://www.oas.org/juridico/english/mesicic5_grd.htm

that visit, which is annexed thereto. Where relevant to the purposes of this report, that information is reflected in the appropriate sections hereof.

II. FOLLOW-UP ON THE IMPLEMENTATION OF THE RECOMMENDATIONS FORMULATED IN THE SECOND ROUND AND NEW DEVELOPMENTS IN RELATION TO THE CONVENTION PROVISIONS SELECTED FOR REVIEW IN THAT ROUND

[12] First, the Committee will refer below to the progress made, information, and new developments reported on by Grenada in relation to the recommendations formulated and the measures suggested by the Committee for implementation in the report on the Second Round^{8/} and on those that the Committee deemed required additional attention in the report from the Third Round;^{9/} note will be taken of any that have been given satisfactory consideration and of those requiring additional attention by the Country under review; and, if applicable, reference will be made to the continued validity of those recommendations and measures and to their restatement or reformulation, in keeping with Section V of the *Methodology* adopted by the Committee for the Fifth Round.

[13] In this section, the Committee will, where applicable, also take note of the difficulties identified by the Country under review in implementing the recommendations and measures referred to in the preceding paragraph, as well as to any technical cooperation requested to that end.

[14] Second, reference will be made to the new developments reported on by Grenada in relation to the provisions of the Convention selected for the Second Round, on such matters as normative framework, technological developments, and results, and, as appropriate, any necessary observations and recommendations will be made.

1. SYSTEMS OF GOVERNMENT HIRING AND PROCUREMENT OF GOODS AND SERVICES (ARTICLE III (5) OF THE CONVENTION)

1.1. Government hiring systems

1.1.1. Follow-up on implementation of the recommendation formulated in the Second Round

Recommendation 1.1.1:

Establish, maintain and strengthen the systems of government hiring of public servants, when applicable, that assure the openness, equity and efficiency of such systems

Measure (a) suggested by the Committee, which requires further attention under the terms provided in the report from the Third Round:

Explicitly provide, through the appropriate legislative or administrative procedures, that government hiring into the Public Service is to be based on the principle of merit.

[15] Both in its response and during the on-site visit, the Country under review presented information and reported new developments in relation to the above measure. In that regard, the Committee notes the following as steps that contribute to progress in its implementation:

⁸ Available at: http://www.oas.org/juridico/english/mesicic_II_inf_grd_en.pdf

⁹ Available at: http://www.oas.org/juridico/PDFs/mesicic3_grd_en.pdf

[16] – The Committee takes note that during the on-site visit, the representatives of the Public Service Commission (PSC) stated that a revision to the provisions that regulate public service had been introduced and that they were expected to them be approved by 2018.

[17] – In its response to the Questionnaire, the Country under review stated that “A new administrative procedure has been established in this regard which is the introduction of the request for appointment/promotion form which requires ministries and departments to submit the names of at least three eligible officers for appointment, the form makes provision for justification to be provided for the selection or non-selection of an officer. The request for promotion form also makes provision for the qualification and or experience of the officer to be listed. The Public Service commission has also introduced Criteria for appointment in the Public Service Form which makes provision for the academic qualification of the officer being considered to be provided”.¹⁰

[18] Nevertheless, the Committee takes note that the Country under review also provides information regarding the following difficulty in implementing the aforementioned procedure: “Line ministries and departments have not been using the forms with the regularity that they should and when they are used they are not completed properly.”¹¹

[19] In that regard, the Committee notes that during the on-site visit the representatives of the PSC informed that the aforementioned appointment/promotion form had been distributed through an administrative circular, requesting that the Ministries utilize it when submitting the names of three eligible officers, already in service, for occupying a vacancy in the public service. They added that neither the form nor the circular mentioned any consequences for non-compliance. The representatives of the PSC added that they were issuing a new circular reminding all ministries and departments to utilize the form, with the added warning that non-compliance may result in a suspension of the appointment process.

[20] The Committee considers worth noting that measure (a) of recommendation 1.1.1 originates from the analysis in the Second Round, in which it made the following observation “The legislation scheme in place does not state that the candidate that is best qualified for the job is to be selected on the basis of the examination and interview, when carried out. In an effort to promote the openness, equity and efficiency of the government hiring system, the Committee believes that consideration should be given by Grenada to state explicitly in the relevant legislation or regulations that selection is made on merit, based on the written competitive examinations and interviews”.¹²

[21] Based on the foregoing, the Committee takes note of the steps taken, as well as the difficulties indicated by the Country under review in the implementation of measure (a) of the above recommendation, and of the need for it to continue to give attention to implementing the above measure, for which the Committee considers appropriate to reformulate for the sake of greater clarity. (See recommendation 1.1.3.1 in Section 1.1.3 of Chapter II of this report.)

[22] It is also worth noting that during the on-site visit, the representative of the Chamber of Industry and Commerce pointed out that there had not been any open external competitions for public

¹⁰ See Response of Grenada to the Questionnaire for the Fifth Round of Review, pp. 13-14.

¹¹ *Supra*, p. 14.

¹² See Report of Grenada from the Second Round, p. 5.

service positions in the recent past, and that in order to enter the public service a person needs to know someone that is already working there.

Measure (b) suggested by the Committee, which requires further attention under the terms provided in the report from the Third Round:

Adopt, through the appropriate legislative or administrative procedures, the different stages that comprise the process of selecting and appointing public servants, by adopting provisions and clearly defined criteria that ensure access to the public service, always taking into account the principles of openness, equity and efficiency as provided in the Convention.

[23] In its response, the country under review did not refer to measure (b) of the foregoing recommendation.

[24] On the other hand, the Committee takes note that, in the course of the on-site visit, the representatives of the Public Service Commission (PSC) and of the Department of Public Administration (DPA), informed that no legislative or regulatory changes had taken place to regulate the process of selecting and appointing public officials referred to in measure (b) of the foregoing recommendation; and that while sometimes panels were formed for the evaluation of candidates for internal promotions and lateral transfers, the criteria was discretionary and the procedure was not regulated. In that regard, the representative of the PSC added that they could not offer statistics on recruitment of public officers since no recruitments on the basis of merit had been held, especially since there is no framework in place that can inform how to conduct those recruitments.

[25] Additionally, the Committee notes that the Vide Cabinet Conclusion No. 1024 of 7 of July 2014, "Guidelines on the Management of Vacancies"¹³ states that "*As of January 1, 2014 there is a freeze on the automatic filling of permanently vacant posts as a means of controlling the wage bill and the size of the Public Service.*"

[26] Nevertheless, the Committee notes that while no public merit competitions for filling vacancies have taken place in recent years, and that since 2014 a hiring freeze on the automatic filling of permanent vacant posts was imposed, this does not mean that personnel has not continued to be hired to serve in the public sector.

[27] Indeed, the Committee takes note that during the on-site visit the representative of the DPA indicated that recruitment through contracts has taken place for external candidates to fulfill un-established positions within the public administration, which fall under the competence of the DPA, as opposed to established positions within the public administration which otherwise fall under de competence of the PSC.

[28] The representative of the DPA added that the staff hired fulfill un-established positions ("Un-established personnel"¹⁴ from hereon), performed the same work as the staff that occupies established positions, and that when hiring them their functions and grade level in the public administration were determined by utilizing the job description and classification manuals for established public officers.

¹³ Available at http://www.gov.gd/egov/docs/dpa/Guidelines_Management_Vacancies.pdf

¹⁴ On February 8, the country under review formulated the following observation "*The definition used for Un-Established is "instrument of appointment issued by the Secretary to the Cabinet, Head of Non-Ministerial Department or the Governor General in case of legal officers."*

[29] With regard to the selection and appointment of un-established personnel under the purview of the DPA, the representative of this agency indicated that the hiring of this staff has not been carried out on the basis of merit because there is no regulation in place on how to carry out the corresponding selection and recruitment process. They added that they needed policies and systems to recruit and better manage this staff in order to ensure that the principles of transparency, fairness and efficiency stated in the Convention are carried out.

[30] In that regard, the Committee considers worth noting that Article I of the Convention defines “public official,” “government official,” or “public servant” as “*any official or employee of the State or its agencies, including those who have been selected, appointed, or elected to perform activities or functions in the name of the State or in the service of the State, at any level of its hierarchy.*”

[31] Given the foregoing, the Committee believes that it would be beneficial that the country under review considers adopting and regulating through the appropriate legislative or administrative procedures, the different stages that comprise the process of selecting and appointing the persons who will be performing activities or functions in the name of the State or in the service of the State, at any level of its hierarchy, by adopting provisions and clearly defined criteria that ensure access to the public sector is made on the basis of merit, always taking into account the principles of openness, equity and efficiency as provided in the Convention. In that regard, the Committee notes the need for the country under review to give further attention to the implementation of measure (b) of the aforementioned recommendation, which will rephrased for the sake of clarity given the new information. (See recommendation 1.1.3.2 in Section 1.1.3 in Chapter II of this report).

[32] Second, the Committee notes that section 4(2) of Act 39 *Public Procurement and Disposal of Public Property* of 2014, states among its exceptions the procurement of goods, works or services arising, among others, of “(d) *contracts of employment*” and “(h) *contracts for services by the Department of Public Administration.*” In that regard, the Committee believes that it would be pertinent for the country under review to consider avoiding the use contract agreements for services¹⁵ for appointing un-established personnel, given the similarity to regular jobs from established personnel governed by the Public Service Commission (PSC) Statutory Rules and Orders No. 27. The Committee will make a recommendation. (See recommendation 1.1.3.3 in Section 1.1.3 in Chapter II of this report).

[33] It is also worth noting that, during the on-site visit, the representative of the Chamber of Industry and Commerce stated that there is currently a situation in which there are parallel payrolls of public officers, the established and non-established, providing the same services and performing the same functions, and that there was a lack of transparency in the recruitment process.

[34] Third, with regard to the job description and classification manuals, the Committee takes note that during the on-site visit the representative of the PSC mentioned that while they have them, not all positions in the public sector have a job description, and that those that do exist need to be updated. In addition, the representative of the PSC explained that they have been utilizing these manuals as a guide for determining the level of un-established positions, despite the fact that kinds of positions are not contemplated in said manuals. In that connection, the Committee also notes that the manuals are not publicly available and therefore they cannot be consulted by the citizenry.

¹⁵ Contract agreement form can be found at <http://www.gov.gd/egov/docs/dpa/contract-service-framework-approval-map.pdf>

[35] In that regard, the Committee considers pertinent that the country under review consider including in its classification system job descriptions, not only of established positions, but of all positions in the public administration, and ensuring that those job descriptions are kept current. The Committee also believes that it would be pertinent for the State under review to consider introducing provisions requiring the publication of those manuals, so that anyone may consult them. The Committee will formulate recommendations. (See recommendations 1.1.3.4, 1.1.3.5 and 1.1.3.6 in Section 1.1.3 in Chapter II of this report).

[36] Finally, with regard to the existence of mechanisms to clarify, modify or revoke substantive actions in government hiring processes applicable to the un-established personnel, the Committee takes note that during the on-site visit, the representatives of the PSC, the DPA, the Integrity Commission and the Office of the Ombudsman expressed that they were not able to identify mechanisms to clarify, modify or revoke substantive actions in the government hiring process, applicable to the un-established personnel. In that connection, they explained that while the Office of the Ombudsman is the mechanism available to private citizens to lodge their complaints against acts of the administration, this mechanism is not available to un-established personnel because the Office of the Ombudsman does not consider them private citizens. At the same time, they cannot access the Board of Appeals, which is the administrative mechanism of redress for public officials, because according to current regulations, they are not considered public officials.

[37] Given the foregoing, the Committee believes that it would be beneficial to the country under review to consider adopting provisions, either through legislation or regulation, so that all persons serving in the public sector, regardless of the manner they were hired, have access to a mechanism to clarify, modify or revoke substantive actions in government hiring processes, as well as to process other administrative grievances. The Committee will make a recommendation in that regard. (See recommendation 1.1.3.7 in Section 1.1.3 in Chapter II of this report).

Measure c) suggested by the Committee, which requires further attention under the terms provided in the report from the Third Round:

Ensure that the Public Service Commission clearly substantiate when a decision is made not to advertise a vacancy to the general public, as well as ensure the use of modern means of media for publicizing vacancies (e.g. the internet).

[38] In its response, the country under review did not refer to measure (c) of the foregoing recommendation. Similarly, the Committee takes note that, in the course of the on-site visit, the representatives of the Public Service Commission (PSC) and of the Department of Public Administration (DPA) informed that no measures had been implemented to ensure that the Public Service Commission clearly substantiate when a decision is made not to advertise a vacancy to the general public, although they did mention that in the past they have occasionally used an online job site to publish vacancies when available, particularly to the Consulates and Embassies in the region.

[39] Bearing in mind the foregoing, the Committee notes the need for the country under review to give further attention to the implementation of measure (c) of the aforementioned recommendation, which will be rephrased for the sake of greater clarity. (See recommendations 1.1.3.8 and 1.1.3.9 in Section 1.1.3 in Chapter II of this report).

[40] In addition, the Committee wishes to highlight that during the Fourth Round of Review it made the following observation “*it would be useful for the country under review to consider adopting a*

system for publishing invitations to submit applications to fill public sector vacancies, that can be readily consulted by citizens and that allows prospective candidates for those posts to have the information they need to apply” and made a recommendation in that regard, which the Committee reiterates in this opportunity.¹⁶

Measure d) suggested by the Committee, which requires further attention under the terms provided in the report from the Third Round :

Strengthen the legal provisions regarding the Ombudsman so that it has the competence to revoke or take other corrective measures when it is found that an appointment process was, among other things, irregular, improper or made through a fraudulent competition.

[41] In its response, the country under review did not refer to measure (d) of the foregoing recommendation. Furthermore, the Committee takes note that during the on-site visit the representatives of the Office of the Ombudsman expressed that the existing regulations still needed to be strengthened in order for them to have the competence to take corrective measures when it is found that an appointment process was, among other things, irregular, improper or made through a fraudulent competition.

[42] Bearing in mind the foregoing, the Committee notes the need for the country under review to give further attention to the implementation of measure (d) of the aforementioned recommendation. (See recommendation 1.1.3.10 in Section 1.1.3 in Chapter II of this report).

Measure (e) suggested by the Committee, which requires further attention under the terms provided in the report from the Third Round:

Adopt administrative measures that provide that hiring by the Ombudsman is based on merit, with clearly defined criteria on advertisement opportunities as well as for the provision of recourse mechanisms that allow for preventive or corrective measure against irregular selection processes.

[43] The country under review presented no information in its response regarding new developments in relation to the above measure.

[44] On the other hand, the Committee takes note that during the on-site visit the representative of the Office of the Ombudsman, expressed that the current procedure for hiring by the Ombudsman does not allow for any formal advertisement, that the interview process is very limited, and that they had a proposal for a new recruitment process.

[45] Bearing in mind the foregoing, the Committee notes the need for the country under review to give further attention to the implementation of measure (e) of the aforementioned recommendation. (See recommendation 1.1.3.11 in Section 1.1.3 in Chapter II of this report).

1.1.2. New developments in respect of the Convention provision on government hiring systems

1.1.2.2. New developments with regard to technology

¹⁶ See Report of Grenada from the Fourth Round, paragraphs 105 and 106, as well as Recommendation 1.2.10 of Chapter II.

- New technological developments applicable to the Public Service Commission (PSC) and the entities under its jurisdiction.

[46] The country under review did not provide information on new developments with regard to technology either in its response to the questionnaire or the on-site visit.

[47] Notwithstanding the foregoing, the Committee takes note that the PSC does not have a website; and that while the Department of Public Administration (DPA), has a space in the Official Website of the Government of Grenada, the only information available there is their Mission and Vision statements, a brief introduction, and its contact information.

[48] In that regard, and taking into consideration that the Committee has formulated a number of recommendations in the preceding sections on the publishing information related to the systems of hiring public officials and other institutional information, the Committee believes that it would be beneficial that the country under review considers taking the necessary measures to ensure that the PSC and the DPA have a dedicated website, which would contribute to the transparency, efficiency and publicity of the systems for the selection of public officials. The Committee will formulate a recommendation in that regard. (See recommendation 1.1.3.12 in Section 1.1.3 in Chapter II of this report).

[49] Similarly, the Committee believes that it would be appropriate for the country under review to consider providing the PSC and the DPA, with the human and financial resources, within available resources, so they can set up and maintain their own dedicated official websites and ensure their sustainability. The Committee will formulate a recommendation in that regard. (See recommendation 1.1.3.13 in Section 1.1.3 in Chapter II of this report).

1.1.2.3. Results

- Results presented by the Public Service Commission (PSC) and the entities under its jurisdiction:

[50] During the on-site visit, the Public Service Commission (PSC) presented results in relation to recruitment processes in state organs and entities under its jurisdiction, notably the following:¹⁷

Percentage of public officials who have entered the service in the permanent appointments compared to temporary			
PUBLIC OFFICERS			
Type of Appointment	2012	2013	percentage increase
TEMPORARY	45	18	-0.6
PROBATION	66	23	-0.65
CONTRACT	7	7	0

¹⁷ Available at http://www.oas.org/juridico/english/mesicic5_grd.htm

Type of Appointment	2014	2015	percentage increase
TEMPORARY	107	75	-0.30
PROBATION	0	0	
CONTRACT	2	11	4.5
Type of Appointment	2015	2016	percentage increase
TEMPORARY	75	7	-0.9
PROBATION	0	0	
CONTRACT	11	17	0.55

[51] In that regard, the Committee notes that the statistical information provided in the table above, shows how many people have been hired on a temporary basis¹⁸, are currently on the probation stage¹⁹, or have been hired through contracts.

[52] In that regard, the Committee notes that the above mentioned statistics do not show how many public officials have been hired through competitive merit-based processes, through direct appointments, through internal and external selection processes, how many were appointed to pensionable established positions (Third Schedule, Form I of the Public Service Commission (PSC) Statutory Rules and Orders No. 27), to non-pensionable established positions (Third Schedule, Form II of the Public Service Commission (PSC) Statutory Rules and Orders No. 27), the nature of the contracts (i.e. professional services rendered in a personal capacity, such as advisory services and consultant's contracts²⁰, or some other type of contract), and the number of appeals filed against resolutions handed down in selection processes and against the outcomes of those processes, so that challenges can be identified and, where necessary, corrective measures recommended.

[53] In light of the above, the Committee deems it appropriate for the country under review to consider maintaining more detailed annual statistics on the results of the selection processes for personnel to fill positions in the public sector, in such a way as to show clearly the number of public officials hired through competitive merit-based processes, through direct appointments, through internal and external selection processes; how many were appointed to pensionable established positions (Third Schedule, Form I of the Public Service Commission (PSC) Statutory Rules and Orders No. 27), to non-pensionable established positions (Third Schedule, Form II of the Public Service Commission (PSC) Statutory Rules and Orders No. 27), and to temporary positions (Third Schedule, Form II of the Public Service Commission (PSC) Statutory Rules and Orders No. 27); how many were appointed through contracts, the nature of said contracts (i.e. under form II of the PSC Statutory Rules and Orders no. 27 or under contract for professional services rendered in a personal

¹⁸ Third Schedule, Form III of the Public Service Commission (PSC) Statutory Rules and Orders No. 27.

¹⁹ Section 36(1) of the PSC Statutory Rules and Orders No. 27 state that: "Except as otherwise provided in this Part, on first appointment to the public service or on promotion in the service from a non-pensionable to a pensionable office, an officer shall be required to serve on probation for a period of two years unless a shorter period is specified in his letter of appointment."

²⁰ Contract agreement form can be found at <http://www.gov.gd/egov/docs/dpa/contract-service-framework-approval-map.pdf>

capacity, such as advisory services and consultancies); as well as the number of appeals filed against resolutions handed down in selection processes and against the outcomes of those processes, so that challenges can be identified and, where necessary, corrective measures recommended. The Committee will make a recommendation. (See recommendation 1.1.3.14 in Section 1.1.3 in Chapter II of this report).

[54] Second, the Committee also notes that while temporary appointments are contemplated in the Public Service Commission (PSC) Statutory Rules and Orders No. 27, in its Sections 37(3) regarding probationary service²¹ and 49(b) regarding reasons for termination for appointment²²; as well as the Third Schedule of the aforementioned Statutory Rules and Orders No. 27, there is no definition of “temporary” and there is no express limit on the duration of such appointments. Similarly, the Committee takes note that there are no provisions that require that permission be obtained by the PSC or appropriate authority to employ temporary staff, and that such request is accompanied by adequate supporting reasons for the decision, which in the opinion of the Committee could help to avoid opportunities of abuse.

[55] In that regard, the Committee believes it would be beneficial to country under review to consider adopting, through the appropriate legislative and/or administrative procedures, provisions that set out clear parameters on the conditions for the use of temporary appointments, including definition of the term “temporary”, provide limits to their duration and require written reasons for the decision. The Committee will make a recommendation. (See recommendation 1.1.3.15 in Section 1.1.3 in Chapter II of this report).

1.1.3. Recommendations

[56] In light of the comments made in Sections 1.1.1 and 1.1.2, the Committee suggests that the country under review consider the following recommendations:

- 1.1.3.1 Adopt, through the appropriate legislative or regulatory procedures, provisions that explicitly provide that government hiring into the public service is to be based on the principle of merit, based on written competitive examinations and interviews. (See paragraphs 15 to 22, in Section 1.1.1 of Chapter II of this report.)

²¹ Section 37(3) of the PSC Statutory Rules and Orders No. 27 states that: “*Subject to the provisions of these Regulations, the appointment on probation of an officer may, at any time during the period of probation and without any reason given, be terminated upon one month’s notice in writing or upon payment of one month’s salary in lieu of notice: Provided that the Governor, or the Commission (as may be appropriate) may specify a longer period of notice where it is reasonable to do so.*”

²² Section 49(b) of the PSC Statutory Rules and Orders No. 27 states that: “*The services of an officer may be terminated only for one or more of the following reasons – (b) Where the officer holds a temporary appointment – (i) on the expiry or other termination of an appointment for a specified period; (ii) where the office itself is of a temporary nature and is no longer necessary; (iii) on the termination of appointment by notice under regulation 37(3) in the case of an officer on probation; (iv) on the termination of appointment by reasonable notice in the case of an officer holding a non-pensionable office; (v) on dismissal or removal in consequence of disciplinary proceedings; (vi) ill health; (vii) on resignation; (viii) abandonment of office under regulation 41.*”

- 1.1.3.2 Adopt, through the appropriate legislative or administrative procedures, the different stages that comprise the process of selecting and appointing the persons who will be performing activities or functions in the name of the State or in the service of the State, at any level of its hierarchy, by adopting provisions and clearly defined criteria that ensure access to the public service, always taking into account the principles of openness, equity and efficiency as provided in the Convention. (See paragraphs 23 to 31, in Section 1.1.1 of Chapter II of this report.)
- 1.1.3.3 Avoid the use of contract agreements for services for the appointment of un-established personnel, when hired to perform functions similar to those of the established personnel governed by the Public Service Commission (PSC) Statutory Rules and Orders No. 27. (See paragraph 32 and 33, in Section 1.1.1 of Chapter II of this report.)
- 1.1.3.4 Include in the job description and classification manuals descriptions for all positions of employment in the public sector. (See paragraphs 34 to 35, in Section 1.1.1 of Chapter II of this report.)
- 1.1.3.5 Take the necessary steps to ensure that the job descriptions of all positions in the public sector are kept up to date, and make them publicly available online. (See paragraphs 34 to 35, in Section 1.1.1 of Chapter II of this report.)
- 1.1.3.6 Consider introducing provisions requiring the publication of the post classification manuals of the public sector so that anyone may consult them. (See paragraphs 34 to 35, in Section 1.1.1 of Chapter II of this report.)
- 1.1.3.7 Consider adopting provisions, either through legislation or regulation, so that all persons serving in the public sector, regardless of the manner they were hired, have access to a mechanism to clarify, modify or revoke substantive actions in government hiring processes, as well as to process other administrative grievances. (See paragraphs 36 to 37, in Section 1.1.1 of Chapter II of this report.)
- 1.1.3.8 Ensure that the Public Service Commission clearly substantiate when a decision is made not to advertise a vacancy to the general public, and make this information available to the public on its official website. (See paragraphs 38 a 40 in Section 1.1.1 of Chapter II of this report.)
- 1.1.3.9 Ensure the use of modern means of media for publicizing vacancies (e.g. the internet). (See paragraphs 38 to 40 in Section 1.1.1 of Chapter II of this report.)
- 1.1.3.10 Strengthen the legal provisions regarding the Ombudsman so that it has the competence to take corrective measures when it is found that an appointment process was, among other things, irregular, improper or made through a fraudulent competition. (See paragraphs 41 to 42 in Section 1.1.1 of Chapter II of this report.)

- 1.1.3.11 Adopt administrative measures that provide that hiring by the Ombudsman is based on merit, with clearly defined criteria on advertisement opportunities as well as for the provision of recourse mechanisms that allow for preventive or corrective measure against irregular selection processes. (See paragraphs 43 to 45 in Section 1.1.1 of Chapter II of this report.)
- 1.1.3.12 Provide the Public Service Commission and the Department of Public Administration with the necessary human and financial resources, within available resources, in order to set up and maintain their own dedicated websites and ensure their sustainability. (See paragraph 48 in Section 1.1.1 of Chapter II of this report.)
- 1.1.3.13 Establish dedicated websites for the Public Service Commission and the Department of Public Administration, in order to advertise the job vacancies in the public sector and other information related to systems of hiring of public officials, as well as other related institutional information. (See paragraphs 47 to 49 in Section 1.1.1 of Chapter II of this report.)
- 1.1.3.14 Compile detailed annual statistics on the results of the selection processes for personnel to fill positions in the public sector, in such a way as to show clearly the number of public officials hired through competitive merit-based processes, through direct appointments, through internal and external selection processes; how many were appointed to pensionable established positions (Third Schedule, Form I of the Public Service Commission (PSC) Statutory Rules and Orders No. 27), to non-pensionable established positions (Third Schedule, Form II of the Public Service Commission (PSC) Statutory Rules and Orders No. 27), and to temporary positions (Third Schedule, Form II of the Public Service Commission (PSC) Statutory Rules and Orders No. 27); how many were appointed through contracts, the nature of said contracts (i.e. professional services rendered in a personal capacity, such as advisory services and consultant's contracts²³, or some other type of contract); as well as the number of appeals filed against resolutions handed down in selection processes and against the outcomes of those processes, so that challenges can be identified and, where necessary, corrective measures recommended. (See paragraphs 50 to 53 in Section 1.1.1 of Chapter II of this report.)
- 1.1.3.15 Consider adopting, through the appropriate legislative and/or administrative procedures, provisions that set out clear parameters on the conditions for the use of temporary appointments, including definition of the terms “temporary”, provide limits to their duration and require written reasons for the decision. (See paragraphs 54 to 55 in Section 1.1.1 of Chapter II of this report.)

1.2. Government Systems for the Procurement of Goods and Services

1.2.1. Follow-up on implementation of the recommendations formulated in the Second Round

²³ Contract agreement form can be found at <http://www.gov.gd/egov/docs/dpa/contract-service-framework-approval-map.pdf>

Recommendation

Continue strengthening systems for the procurement of goods and services by the government.

Measures suggested by the Committee, which require further attention under the terms provided in the report from the Third Round:

- a) *Enact the necessary regulations to the Public Procurement and Contract Administration Act so that fairness and transparency can be ensured in the newly established procurement regime.*
- b) *Make publicly accessible the register of exempt and partially exempt procurements found under the Public Procurement and Contract Administration Act.*
- c) *Strengthen and increase the scope of use of electronic communications, such as the internet for publicizing the tender opportunities, status of bids and awards, the progress in the execution of major projects, and the list of suspended suppliers, contractors and consultants.*
- d) *Develop and implement electronic procurement systems, so that the acquisition of goods and services may be carried out through those means.*
- e) *Implement provisions that require awards to be publicized in a sufficiently justified or substantiated announcement.*
- f) *Implement guidelines or criteria that allow for an analysis as to whether the launch of a procurement process requires prior planning sufficiently in advance, such as preparing studies, designs and technical evaluations, and to assess the appropriateness and timeliness of the purchase.*
- g) *Develop and implement provisions that provide for the recusal of those in the procuring entity or who are directly involved in the determination of needs or specifications, appraisal of bids, selection of alternatives, or approval of purchases or payments when they have ties to bidders or contractors, whether familial, political, commercial or of any other nature.*
- h) *Implement provisions that facilitate transparent mechanisms in monitoring the execution of contracts, such as encouraging citizen oversight, where their nature, importance or magnitude so warrants, in particular public works contracts.*

[57] In its Response, the country under review provides the following information with respect to the recommendation above²⁴:

[58] *“The Public Procurement and Contract Administration Act has been repealed and replaced by the Public Procurement and Contract Management Act (CAP 267A)²⁵ and the necessary*

²⁴ See Response of Grenada to the Questionnaire for the Fifth Round of Review, pp. 19-20.

²⁵ During the on-site visit it was clarified that the name new legislation is actually “Act No. 39, Public Procurement and Disposal of Public Property 2014” and its regulation is “SRO. 32 Public Procurement and

regulations to that act. The act established a review commission to deal with complaints and a public procurement board which is responsible for governing and regulating the process.”

[59] Bearing in mind that the Public Procurement and Contract Administration Act—regarding which measures a) to h) measure were formulated — was repealed and replaced by the Act No. 39, Public Procurement and Disposal of Public Property of 2014, the Committee believes that such recommendation no longer applies inasmuch as it is geared toward the enhancement of a law whose repeal has already been provided for by law.

[60] Given the foregoing, the Committee believes it is more useful to focus its analysis on the new Act and its Regulation, which constitute a new development with respect to the legislative framework in this area, and, pursuant to the provisions of the methodology adopted for the Fifth Round, it will proceed to make any observations and recommendations that may be required with respect thereto in the appropriate section of this report.

1.2.2. New Developments with Respect to the provisions of the Convention on Government Systems for the Procurement of Goods and Services

[61] The Committee was provided information about the following new developments in this area and will formulate the appropriate observations and recommendations.

1.2.2.1. New Developments with Respect to the Legal Framework

a. Scope

[62] – [Public Procurement and Disposal of Public Property Act , 2014²⁶](#), which provides the legal framework for the procurement of goods, works and services in Grenada, as well as the functions that pertain to the procurement of goods, works and services including the description of requirements and invitation of sources, preparation, selection and award of procurement contracts and the phases of contract administration. The following provisions of the Act should be noted:

[63] Section 3(1), which provides that the objectives of this Act are to promote the public interest by prescribing the principles of good governance, namely accountability, transparency, integrity and value for money in public procurement and to establish procedures for the procurement and the disposal of public property by public entities to achieve the following objectives: (a) maximize economy and efficiency; (b) promote competition among suppliers, contractors, consultants and service providers and provide for their fair, equal and equitable treatment; (c) promote the integrity and fairness of such procedures; (d) increase transparency and accountability in such procedures; (e) increase public confidence in such procedures; and (f) facilitate the promotion of local industry and economic development.

[64] Section 4(2), which provides that this Act does not apply to the procurement of goods, works or services under ECD\$15,000.00²⁷ or arising out of (a) procurement that is below the approval thresholds prescribed from time to time for a procuring entity which is a state controlled enterprise or

Disposal of Public Property Regulations 2015.” They both can be consulted at http://www.oas.org/juridico/english/mesicic5_grd.htm

²⁶ Act No. 39.

²⁷ As of March 2018, this was the equivalent of approximately USD\$5,500.00.

a statutory body whereby such procuring entities may approve procurement which is below such threshold values; (b) the acquiring of stores or equipment if the stores or equipment are being acquired from a public entity that is disposing of such stores and equipment in accordance with the procedure described in section 57(3)(a); (c) the acquiring of services provided by the Government or a department of the Government; (d) contracts of employment; (e) procurement of items of a sensitive nature for national defense and security purposes or on strategic considerations that the Government may, by general or specific order, specify; (f) the acquiring or rental of real property; (g) a procurement made under a co-operative procurement agreement under which the Government agrees to procure goods or services through a central organization or a regional organization, using the procurement procedures of the central organization; (h) contracts for services by the Department of Public Administration; and (i) any other exceptions as prescribed.

[65] Section 6(1), which establishes the Public Procurement Board (the “Board”).

[66] Section 6(2) which determines that the responsibilities of the Board will be: (a) approving the evaluation committee upon the proposal of the chief accounting officer of the respective procuring entity; (b) providing a “Certificate of Formal Approval” and a “Certificate of ‘No-objection’ for Contract Award” in accordance with the prior review thresholds; (c) providing written approval for the use of procurement methods other than open competitive tendering; (d) issuing and reviewing general procedures in relation to public procurement and the disposal of public property; and (e) approving in respect of each procuring entity, which is a state controlled enterprise or a statutory body, special procedures and guidelines in relation to public procurement and the disposal of public property under sections 17 (7) (b) and (c) and 55 (4) (b) and (c), subject to the approval of the line Minister.

[67] Section 6(4) which, *inter alia*, establishes the Board will report to the Minister responsible for matters of procurement; issue directions to public entities to ensure compliance with this Act and the Regulations; where a reason exists, notify the relevant authorities and cause to be audited, inspected or reviewed any procurement or disposal of public property transaction to ensure compliance with the provisions of this Act and the Regulations; supervise the implementation of established procurement and disposal of public property policies; in accordance with the Regulations on debarment, debar any supplier, contractor consultant or service provider for just cause under this Act and Regulations; initiate public procurement policy; and propose amendments to this Act or to the Regulations.

[68] The aforementioned section 6(4) also establishes, *inter alia*, that the Board will assist in the implementation and operation of the public procurement system in accordance with this Act and the Regulations and in doing so: to establish and disseminate mandatory forms and templates for use by procuring entities including but not limited to: annual and contract specific procurement plans, standard tender documents for all types of procurement (requests for quotation, tendering, pre-qualification etc.), standard forms of contract, advertisement notices, contract award notices and templates for maintaining records; provide advice and assistance to procuring entities; develop, promote and support the training and professional development of persons involved in procurement; foster improvements with the use of technology in public procurement including electronic trading; and do such other things as it considers necessary or expedient for the efficient performance of its functions under this Act and the Regulations.

[69] Section 8(1) which establishes the Public Procurement Review Commission (PPRC) to (a) resolve disputes arising from candidates who claim to have suffered or to risk suffering, loss or damage due to the breach of a duty imposed on a procuring entity by this Act and the Regulations; (b) adjudicate the Board's decisions made against procuring entities on investigations and debarment of suppliers, contractors, consultants and service providers from participating in procurement proceedings; and such other powers as are provided for under this Act and the Regulations.

[70] Section 15 which dictates that except as provided under Part VI of the Act, all public procurement of goods, works and services by all procuring entities shall be conducted by open competitive tendering under Part V.

[71] Section 16 which establishes that subject to any exemption allowed by the Act no procuring entity may package, divide or structure any procurement as two or more procurements nor use a particular valuation method for estimating the value of procurement for the purpose of avoiding the use of a procurement procedure or take any other action so as to limit competition among suppliers, contractors, consultants or service providers or to avoid its obligations under the Act.

[72] Section 18 which establishes that a procuring entity may engage in a prequalification process, prior to soliciting submissions, for the purpose of identifying the suppliers, contractors or service providers that are qualified by inviting those interested to submit applications.

[73] Section 23 which determines that all public procurement under the Act may be undertaken using an electronic processing system, that the Minister may make Regulations to give effect to the provisions of this section, and that "electronic processing system" means the online processing of data through a website.

[74] Section 25 on inappropriate influence on evaluations, which determines that after the deadline for submissions no supplier, contractor, consultant or service provider making a submission shall make any unsolicited communications to the procuring entity or any person involved in the procurement proceedings that might reasonably be construed as an attempt to influence the evaluation and comparison of tenders, proposals or quotations; and that no person who is not officially involved in the evaluation and comparison of submissions shall attempt, in any way, to influence that evaluation and comparison.

[75] Section 26 on conflicts of interests and prohibited practices, which establishes the following: (1) An employee or agent of the procuring entity or a member of a committee of the procuring entity who has a conflict of interest with respect to a procurement: (a) shall disclose the conflict of interest to the procuring entity; (b) shall not take part in the procurement proceedings; and (c) shall not, after a procurement contract has been entered into, take part in any decision relating to the procurement or procurement contract. (2) Without prejudice to any other legal remedy the procuring entity may have, any contract awarded in contravention of sub-section (1) shall be voidable at the option of the procuring entity. (3), For the purpose of this section, a person has a conflict of interest with respect to a procurement if the person or relative of the person— (a) seeks, or has a direct or indirect pecuniary interest in a supplier, contractor or service provider who seeks a contract for the procurement; or (b) owns or has a right in any property or has a direct or indirect pecuniary interest that results in the private interest of the person conflicting with his duties with respect to the procurement. (4) In this section, "relative" means: (a) a spouse, child, parent, brother or sister; (b) a child, parent, brother or sister of a spouse; (c) any other prescribed relative. (5) For the purpose of sub-section (3), the

following are persons seeking a contract for procurement— (a) a supplier, contractor or service provider submitting a tender; or (b) if negotiated tendering is being used, a supplier, contractor or service provider with whom the procuring entity is negotiating. (6) No supplier, contractor or service provider or any employee or agent thereof shall be involved in any corrupt or fraudulent practice in any procurement proceeding or shall collude or attempt to collude with any person to— (a) make any proposed price higher than would otherwise have been the case; (b) have that other person refrain from making a submission or withdraw or change a submission; or (c) make submission with a specified price or with any specified inclusions or exclusions. (7) If a supplier, contractor or service provider or any employer or any employee or agent thereof contravenes subsection (6) the following shall apply— (a) both the supplier, contractor or service provider and other person referred to in subsection (6) shall be disqualified from entering into a contract for the procurement; or (b) if a contract has already been entered into with either of the supplier, contractor or service provider and other person referred to in sub-section (6), the contract shall be voidable at the option of the procuring entity.

[76] Section 28 which determines that a procuring entity shall keep records as prescribed for all procurement proceedings made within the financial year and the procurement records shall be maintained for a period of at least six years after the resulting contract was entered into or, if no contract resulted, for a period of one (1) year after the procurement proceedings were terminated.

[77] Section 30, which establishes that except as provided by this Act all public procurement by all procuring entities shall be conducted by open competitive tendering, and defines competitive tendering as the process by which a procuring entity based on previously defined criteria, effects public procurement by offering to every interested supplier, contractor or service provider equal simultaneous information and opportunity to offer the goods, works and services needed.

[78] Section 32, related to local competitive bidding, which states that (1) Unless otherwise required by funding or other agreements, or as a matter of necessity, only national competitive tendering and local community competitive tendering where domestic suppliers, contractors, consultants or service providers are entitled to participate, shall be used. (2) In applying any preference under this section, a prescribed margin of preference shall be given in the case of national competitive tendering to suppliers, contractors or service providers in the locality of the procurement.

[79] Section 33, related to the procedures to allow for regional and international tendering, which for the purposes of the Act, shall include the following: (a) the invitation to tender and the tender documents must be in English; (b) if the procuring entity is required to advertise the invitation to tender, the procuring entity shall also advertise the invitation to tender in one or more English-language newspapers or other publications that, together, have sufficient circulation outside Grenada to allow effective competition for the procurement; (c) the period of time between the advertisement under paragraph (b) and the deadline for submitting tenders must be not less than four (4) weeks; (d) the technical requirements must, to the extent compatible with requirements under the laws of Grenada, be based on international standards or standards widely used in international trade; (e) a person submitting a tender may, in quoting prices or providing security, use a currency that is widely used in international trade and that the tender documents specifically allow to be used; and (f) any general and specific conditions to which the contract will be subject must be of a kind generally used in international tendering.

[80] Section 34, on selective tendering, states that a procuring entity may engage in procurement by means of selective tendering in accordance with this section when— (a) because of the complex or specialized nature of goods, works or services is limited to prequalified suppliers, contractors or service providers; (b) the time and cost required to examine and evaluate a large number of tenders would be disproportionate to the value of the goods, works or services to be procured; (c) there are only a few known suppliers, contractors or service providers of the goods, works or services locally or internationally as may be prescribed in the Regulations; or procurement from a category of pre-qualified suppliers, contractors or service providers is necessary in accordance with the provisions of section 18.

[81] Section 35, on negotiated procurement, states that: (1) A procuring entity may use negotiated procurement as allowed under sub-section (2) or (3) as long as the purpose is not to avoid competition. (2) A procuring entity may use negotiated procurement when— (a) there is only one supplier, contractor or service provider who can supply the goods, works or services being procured or a supplier, contractor or service provider who has exclusive rights in respect of the subject matter of procurement and there is no reasonable alternative or substitute for the goods, works or services; (b) owing to a sudden unforeseen event there is an extremely urgent need for the goods, works or services being procured—(i) because of the urgency the other available methods of procurement allowed by the provisions of this Act are impractical or would cause delay; and (ii) the circumstances that gave rise to the urgency were not foreseeable and were not the result of dilatory conduct on the part of the procuring entity.

[82] Section 36, on request for quotations, which states that: (1) A procuring entity may engage in procurement by means of a request for quotations for a procurement provided— (a) the procurement is for goods and services that are not specially produced to the description of the procuring entity, that are readily available and for which there is an established market; and (b) the estimated value of the goods or services being procured is less than or equal to the prescribed maximum value for using requests for quotations. (2) A regulation prescribing a maximum value for a low-value procurement procedure or prescribing conditions for the use of such a procedure may prescribe different values or conditions for different classes of public entities or different classes of goods, works or services being procured. (3) The procedure for low-value procurement shall be as prescribed.

[83] Section 37 on low value procurements, which states that: (1) A procuring entity may engage in procuring by means of a low-value procurement procedure provided— (a) the estimated value of the goods, works or services being procured are less than or equal to the prescribed maximum value for that low-value procurement procedure; and (b) any other prescribed conditions for the use of the low-value procurement procedure are satisfied. (2) A regulation prescribing a maximum value for a low-value procurement procedure or prescribing conditions for the use of such a procedure may prescribe different values or conditions for different classes of public entities or different classes of goods, works or services being procured. (3) The procedure for low-value procurement shall be as prescribed.

[84] Section 38 on local community procurement, which states that: In circumstances where procurement is conducted in local communities, where the competitive procedures described in this Act are not feasible, goods, works and services the value of which does not exceed such an amount as may be prescribed, may be procured, either— (a) in accordance with procedures that promote efficiency through participation of community organizations; or (b) through negotiated procurement

from direct contracting of suppliers, contractors or service providers located in or near the community.

[85] Section 39 on consultancy services procurement, which states that: Consultancy services shall be procured using the request for proposals method, the procedures for which shall be as prescribed in the Regulations.

[86] Section 40 on individual consultants procurement, which states that: (1) Individual consultants are employed on assignments for which (a) a team of experts is not required, (b) no additional outside (home office) professional support is required, and (c) the experience and qualifications of the individual are the paramount requirements. (2) The specific methods for selection of individual consultants will be as prescribed in the Regulations.

[87] Section 41, on the right to challenge and appeal, which states that: (1) Subject to the provisions of this Part, any supplier, contractor, consultant or service provider that claims to have suffered or claims that it may have suffered, loss or damage due to the alleged non-compliance of a decision or action of a procuring entity with the provision of this Act or the Regulations, may at any time prior to the signature of a contract challenge the decision or action concerned. (2) Challenge proceedings may be made by way of an application for reconsideration to the procuring entity under section 43, or an application for review to the Commission under section 44.

[88] Section 43 on application for reconsideration by the procuring entity, which states that: (1) A supplier, contractor, consultant or service provider may apply to the procuring entity for a reconsideration of a decision or an action taken by the procuring entity in the procurement proceedings. (2) Applications for reconsideration shall be submitted to the procuring entity in writing within five (5) working days of the procuring entity's decision or action giving rise to such application by a supplier, contractor, consultant or service provider. (3) The procuring entity shall, not later than five (5) working days after receipt of the application— (a) dismiss the application; or (b) remedy the alleged breaches; and (c) notify the applicant and all other participants in the procurement proceedings of its decision. (4) All decisions of the procuring entity under this section shall be in writing, shall state the action taken and the reasons therefor, and shall promptly be made part of the record of the procurement proceedings, together with the application received by the procuring entity under this section.

[89] Section 44 on application for review before the Commission, which states *inter alia* that: (1) A supplier, contractor, consultant or service provider may apply to the Commission for review of a decision or an action taken by the procuring entity in the procurement proceedings, or of the failure of the procuring entity to issue a decision under section 43 of this Act within the time limits so specified. (2) Applications for review shall be submitted to the Commission in writing within the standstill period applied pursuant to this Act or within seven (7) working days after the time when the applicant became aware of the circumstances giving rise to the application or when the applicant should have become aware of those circumstances, whichever is earlier. (3) Applications for review under section 44 of this Act shall be submitted to the Commission in writing within ten (10) working days after the decision of the procuring entity should have been communicated to the applicant in accordance with sub-section 43(3) of this Act. (4) Promptly after receipt of the application for review, the Commission shall notify the procuring entity and all identified participants in the procurement proceedings to which the application relates of the application and its substance. (5) The procuring entity and all identified participants in the procurement proceedings shall provide the

Commission with effective access to all documents relating to the procurement proceedings in its possession, in a manner appropriate to the circumstances. (6) Following receipt of an application for review, the Commission may order the suspension of the procurement proceedings at any time before the entry into force of the procurement contract for a period not to exceed the time given for the Commission to reach its decision. (7) The Commission may dismiss the application where it decides that: (a) the application is manifestly without merit or was not presented in compliance with the deadlines set out in sub-section (2); or (b) the applicant is without standing; or (c) urgent public interest considerations require the procurement proceedings or the procurement contract, to proceed. (9) The decision with regard to suspension shall be given no later than five (5) working days after receipt of the application.

[90] Section 45 on right to judicial review, which states that: (1) A decision made by the Commission shall, be final and binding on the parties unless an appeal for judicial review thereof is made within fourteen days from the date of the Commission's decision. (2) Any party to the review aggrieved by the decision of the Commission may appeal to the High Court, and the decision of the High Court shall be final. (3) A party to the review which disobeys the decision of the Commission or the High Court, as applicable, shall be in breach of this Act and any action by such party contrary to the decision of the Commission or the High Court, as applicable, shall be null and void.

[91] Section 46 on debarment, which states that: (1) The Board may debar a person from participating in procurement proceedings where it is proven that the person— (a) has committed a prescribed offence under this Act; (b) has committed a prescribed offence relating to procurement under any law of Grenada; (c) has breached a public procurement contract to which it is a party; (d) has, in procurement proceedings, given false information about his qualifications; (e) has refused to enter into a written procurement contract; (f) is unable to furnish a tax compliance or NIS compliance certificate; (g) is declared bankrupt; or (h) has committed any offence as may be prescribed in Regulations. (2) Debarment under this section may be imposed by the Board only on the basis of the procedure set out in the prescribed Regulations which secures due process. (3) A debarment under this section shall be for one or more periods of time, as may be specified by the Board.

[92] Section 53 on the list of debarred persons, which states that the Board shall maintain and make available to public entities a list of persons debarred from participating in procurement proceedings under this Part.

[93] Section 61(1), on consultation meetings, which states that the Board shall ensure that meetings are convened at least annually for the purpose of consulting with persons in the public and private sectors who have an interest in the proper functioning of the public procurement system.

[94] Section 63 on the consequence of breaches of the Act or the Regulations, which states that: (1) Any public officer found to be acting contrary to the provisions of this Act or the Regulations in the exercise of his or her duty in respect of any procurement proceedings shall be subject to the disciplinary procedures of the Public Service Commission, including demotion, dismissal and the payment of compensation. (2) Any private physical or legal person who has been contracted to carry out any functions by a procuring entity or the Board in respect of any procurement proceedings and who has been found to be acting contrary to the provisions of this Act or the Regulations in the exercise of those functions in respect of any such procurement proceedings shall— (a) have his or her contract terminated forthwith; (b) repay all fees, emoluments and benefits received from the date of the said breach; (c) be liable to pay compensation to the public entity or the Board for any damage

suffered by them as a consequence of the unlawful behavior of that person, including the reimbursement of any compensation paid to an aggrieved tenderer in accordance with any order of the Commission under Part VIII; and (d) be debarred for a prescribed period. (3) Where the public officers and persons referred to in sub-sections (2) and (3) are considered to have been in breach of applicable criminal laws relating to fraud and corruption, they shall be referred to the appropriate law enforcement agencies for investigation and prosecution.

[95] Section 68 on the availability of the Act, which states that: The Board shall ensure that this Act, the Regulations and any directions issued under this Act are accessible to the public.

[96] – [Public Procurement and Disposal of Public Property Regulations, 2015](#) Statutory Rules and Orders (SRO) 32, which regulates Act No. 39, Public Procurement and Disposal of Public Property Act of 2014. The following provisions of the Regulations should be noted:

[97] Section 3, which defines the scope of the Regulations as follows: Subject to section 4 (1) of the Act and the exemptions set out in regulation 4, these Regulations govern public sector procurement and disposal of public property in Grenada and apply to all procurement of goods, works, services and other activities carried out by the Government.

[98] Section 4(1), which establishes that the Regulations shall not apply to (a) procurement of goods, services and works between Government entities; (b) procurement for the production of national honors, medallions and insignias; (c) legal services for routine assignments and litigation; (d) arbitration and conciliation services; (e) outsourcing of Government services to nongovernmental organizations and other private entities; (f) procurement of goods, works and services by a procuring entity which is a state controlled enterprise or a statutory body where the value of such procurements is below the approval threshold of \$15, 000; or (g) any other exemptions issued by instructions or circulars, from time to time, by the Minister.

[99] Section 5(1), which establishes that pursuant to section 6 (2) of the Act²⁸, the Board²⁹ shall have responsibility for every procurement of goods, works and services, where the value of such procurement exceeds the approval threshold of \$1,000,000, whether the procuring entity is a state controlled enterprise, a statutory body or otherwise.

[100] Section 6, regarding approval thresholds, which establishes *inter alia*, that: (1) The approval thresholds for methods of procurement, the authorization levels for awards of contract and for the signing of contracts shall be as set down in these Regulations and the procurement procedures. (2) Where the value of a proposed procurement does not exceed the approval threshold of \$200,000, the chief accountable officer of the procuring entity shall be the approving authority and shall sign the procurement contract.

[101] Section 8(1) which states that a procuring entity shall, in accordance with this regulation, establish a procurement unit to carry out procurement activities.

²⁸ According to section 2(1) “Definitions” of the Regulations, “Act” means the Public Procurement and Disposal of Public Property Act, 2014.

²⁹ According to section 2(1) “Definitions” of the Regulations, “Board” means the Public Procurement Board established pursuant to section 6 of the Act.

[102] Section 9 regarding the Central Procurement Unit, which states that: (1) The Central Procurement Unit is hereby established in the Ministry to carry out any procurement on behalf of a Government department that has not been authorized as a procuring entity or pursuant to a request under regulation 8 (4). (2) The Central Procurement Unit shall prepare an annual procurement plan of every major item of expenditure for procurements envisaged to be purchased in any financial year, and shall maintain records of particulars with respect to ad-hoc procurements in the format as provided by the Board. (3) The Central Procurement Unit shall, on behalf of selected or all procuring entities, organise the purchase of common-use items either under individual contract arrangements or framework contract arrangements. (4) The Central Procurement Unit shall comply with the procurement procedures set down in these Regulations.

[103] Section 11 regarding the conduct of procurement personnel, which states that: (1) Every officer responsible for any aspect of the procurement of a procuring entity, including the requisitioning, planning, preparing and conducting procurement proceedings and administering the implementation of procurement contracts, shall— (a) take reasonable steps to ensure that every decision is based on adequate information, and made in good faith, for a proper purpose in accordance with these Regulations and in the best interest of the Government; (b) take reasonable steps to ensure fair competitive access by contractors to procurement proceedings and contract awards; (c) take reasonable steps to avoid circumstances in which he or she may personally benefit, directly or indirectly through family and associates, as a result of his or her official conduct, or circumstances that would give the appearance of the same; (d) not commit corrupt or fraudulent acts, such as the solicitation or acceptance of bribes; and (e) not divulge confidential information received in connection with procurement proceedings and tenders, including tenderers' proprietary information.

[104] Section 12(1), regarding tender committees, which states that pursuant to section 11 (5) of the Act, every procuring entity, including a procuring entity that is a state controlled enterprise or a statutory body, shall establish a tender committee which shall be responsible for every procurement by the procuring entity for which the value exceeds the approval threshold of \$15,000 and does not exceed the approval threshold of \$1,000,000.

[105] Section 13, which establishes that every evaluation committee shall be appointed by the chief accountable officer and determines how they will be constituted, what their duties are, and how will they conduct their functions.

[106] Section 21(1) on annual procurement plan, which states that pursuant to section 11 (b) of the Act, each procuring entity shall prepare a procurement plan for each financial year as part of the annual budget preparation process.

[107] Section 28 on standard tender documents. (1) Every procuring entity shall use the relevant standard tender documents for the particular procurement method being utilized. (2) Pursuant to sections 6 (4) (n) (i) and 15 (3) of the Act, the Board shall prepare and provide standard tender documents for use by procuring entities.

[108] Section 29 on manuals and guidelines, which states that the Board may, in consultation with specific procuring entities, develop internal procurement manuals, administrative guidelines and best practices manuals consistent with the Act and these Regulations and specific to the procuring entities.

[109] Section 37 on procurement methods, which states that: (1) The following procurement methods apply to procurement of works, goods and services– (a) open competitive tendering; (b) selective tendering; (c) negotiated procurement; (d) request for quotations; (e) low value procurement; (f) request for proposals for consultancy services; and (g) local community procurement.

[110] Section 38 on Open Competitive Tendering Method, which states that: (1) Except as provided under Part VI of the Act and these Regulations, all public procurement of goods, works and services shall be undertaken by the method of open competitive tendering. (2) Methods of procurement other than open competitive tendering are permitted only in accordance with the provisions of the Act. (3) The method of open competitive tendering shall apply only to procurement of goods, works and services the value of which exceeds the approval threshold of \$200,000.

[111] Section 39 on invitations to tender. (1) Every procuring entity shall solicit submissions by causing an invitation to tender to be published in accordance with subregulation (2), the provisions of the Act and the other provisions of these Regulations. (2) An invitation to tender shall set out the following– (a) the name and address of the procuring entity (b) the tender number assigned to the procurement proceedings by the procuring entity; (c) a brief description of the goods, works or services being procured, including the time limit for delivery or completion; (d) the nature and time-frame of the procurement, including the place of delivery of goods or services, and the location of any works; (e) the manner of obtaining and the price of the tendering documents; (f) the place and deadline for submission of tenders; (g) such other matters as may be prescribed in the standard forms issued by the Board; (h) a statement that the procuring entity does not bind itself to accept the lowest or any tender; (i) a statement that every tenderer or a representative thereof may attend the tender opening session; and (j) a statement that the procuring entity may, at any time, terminate the procurement proceedings without entering into a contract.

[112] Section 40 on publication of notice of invitation to tender, which states that: (1) Every notice under regulation 39 shall be published in at least one newspaper of general nationwide circulation, and, to the extent feasible, on the internet, including on the website of the procuring entity or of the Board. (2) Every notice under regulation 39 shall be posted on the premises of the procuring entity at any conspicuous place reserved for this purpose as certified by the chief accountable officer of the procuring entity. (3) Where there are less than four known providers of the goods, works or services to be procured and no additional tenders are likely to be obtained through open competitive tender, an invitation to tender may be sent directly to all known providers. (4) Where a procuring entity considers it is necessary to ensure wide competition, the procuring entity may send the notice directly to potential tenderers after the date of publication of the notice. (5) Where a procuring entity sends a notice under regulation 39 directly to tenderers, the procuring entity shall keep a record of every such tenderer, which shall form part of the procurement record. (6) Every procuring entity shall provide copies of tender documents expeditiously and in accordance with the invitation to tender.

[113] Section 41 on minimum tender periods, which states *inter alia* that: (1) Tender documents shall be ready for distribution prior to the publication of announcement of the invitation to tender. (2) A tender period shall start on the date of the first publication of the announcement and shall conclude on the date of the tender submission deadline. (3) The minimum tender period shall be– (a) thirty days for open competitive tendering; and (b) forty-five days for regional and international competitive tendering.

[114] Section 42 on tender documents, which states *inter alia* that (1) Every procuring entity shall use standard tender documents as may be prescribed, including any manuals or guidelines pertaining thereto and issued by the Board. (2) Every procuring entity shall provide, in an expeditious and non-discriminatory manner, the tender documents to all potential tenderers that respond to the invitation to tender or, in the case of selective tendering under regulation 60 to all tenderers that have been pre-qualified. (3) The tender documents shall set out the information that tenderers are required for submission of a tender that is responsive to the needs of the procuring entity(...)

[115] – [Public Procurement and Disposal of Public Property \(Public Procurement Review Commission\) Regulations, 2015](#). Statutory Rules and Orders No. 31 of 2015, which establishes and regulates the functioning of the Review Commission.

b. Observations

[116] The Committee acknowledges that the new legal developments in this area are positive steps towards establishing legal and regulatory provisions for government procurement of goods and services. Nevertheless, the Committee deems it appropriate to make a number of observations in that regard:

[117] First, the Committee notes that the Public Procurement and Disposal of Public Property Act (“the Act”), 2014, as well as the Public Procurement and Disposal of Public Property Regulations 2015 (“the Regulations”) have recently come into force, and acknowledges the comprehensive scope of this legislation with regard to the openness, equity and efficiency in the government system for the procurement of good and services.

[118] Nevertheless, the Committee takes note that during the on-site visit, the representatives of the Public Procurement Board (the “Board”) and the Central Procurement Unit (the “Unit”) stated that the previous legislation, the Public Procurement and Contract Administration Act, had never been implemented and that the current one, which is the aforementioned Public Procurement and Disposal of Public Property Act, 2014, that replaced it, as well as its Regulations, had not yet been fully implemented either, due to several difficulties that they were currently trying to resolve. They added that they were working with the World Bank on a revised Procurement Act, which would replace the current one.

[119] Given the foregoing, the Committee believes it advisable that, regardless of the ongoing project on replacing the Act, the country under review considers taking the necessary steps to fully implement the current one, as well as its Regulations, which are the ones who are currently in force, to ensure the objectivity, transparency and openness of the procurement process. The Committee will formulate a recommendation in this regard (see recommendation 1.2.3.1 in Section 1.2.3 in Chapter II of this report).

[120] Second, the Committee also notes that the representatives of the Board and the Unit mentioned that there are inconsistencies and discrepancies between the Act and the Regulations, which pose problems in the practical application of the implementation of both. They pointed out that currently the Unit is responsible for implementing, supervising, governing and conducting procurement, which poses a conflict with the functions of the Board as established by the Act. Moreover, they stated that the Unit lacked the capacity to implement the new legislation.

[121] In that regard, the Committee notes that this difficulty was also mentioned in the response to the questionnaire, in which the country under review stated that “*The Procurement unit³⁰ lacks the capacity to properly implement the new measures. The Procurement Unit is required to implement the new measures, monitor the new measures, regulate and train which presents a conflict.*”³¹

[122] Given the foregoing, the Committee believes that it would be pertinent that the country under review consider adopting the necessary provisions in order to clarify and distinguish the functions of the Board and the Unit, so the newly established procurement regime can be properly implemented; as well as providing the Unit with the necessary human and budgetary resources, within available funds, so that it can develop the necessary capacity to fulfill its functions regarding the implementation of the procurement regime. The Committee will formulate recommendations in this regard (see recommendations 1.2.3.2 and 1.2.3.3 in Section 1.2.3 in Chapter II of this report).

[123] Third, the Committee takes note that during the on-site visit, the representatives of the Board and the Unit pointed out that while Section 63 of the Act contemplates consequences for breaches of the Act or Regulations for public officers and for private natural or legal persons who have been contracted to carry out any functions by a procuring entity or the Board, there are no consequences for non-compliance of the Act or its Regulations on the part of entities themselves. They added that they have been having trouble getting the government bodies to comply with said legislation, even though they pay regular visits to their procurement agencies, in order to make them aware of what they have to implement. In view of the foregoing, the Committee believes that it would be pertinent that the country under review consider establishing controls to ensure that public entities comply with the Act and its Regulations. The committee will formulate a recommendation in that regard (see recommendation 1.2.3.4, in Section 1.2.3 in Chapter II of this report).

[124] Fourth, the Committee takes note that during the on-site visit, the representatives of the Board and the Unit stated that there was a lack of capacity in public procurement due to procurement staff not having formal training in public procurement, that they were having trouble scheduling training for them, and that they needed more resources in order to fund training activities. In view of the foregoing, the Committee believes that it would be pertinent that the country under review considers providing the Unit with the financial and human resources necessary to train to the staff responsible for public procurement, within available resources, in order to ensure compliance by public entities with the Act and its Regulations. The Committee will formulate a recommendation in this regard (see recommendation 1.2.3.5 in Section 1.2.3 in Chapter II of this report).

[125] It is also worth mentioning that during the on-site visit, the representative of the Grenada Chamber of Industry and Commerce stated that there was not enough education on how the tender process operates, either on the part of the public or of the procurement staff.

[126] Fifth, the Committee notes that Section 4(2) of the Act, regarding its application, lists the exceptions to the application of the Act, the last one being “*(i) any other exceptions as prescribed.*” In that regard, the Committee observes that neither the Act nor its Regulations establish any criteria for issuing those exceptions other than Section 4(g) of the Regulations that state “*(g) any other exemptions issued by instructions or circulars, from time to time, by the Minister³².*” In that regard,

³⁰ This refers to the Central Procurement Unit.

³¹ Response of Grenada to the Questionnaire of the Fifth Round, pp. 20.

³² According to the Public Procurement and Disposal of Public Property Act, “*Minister*” means unless the context requires otherwise the Minister responsible for matters relating to procurement.”

the Committee believes that it would be pertinent that the country under review consider eliminating the discretion on determining the applicability of the Act and its Regulations, by establishing objective criteria to make that determination, so that fairness and transparency can be ensured in the procurement regime. In this regard, the Committee will formulate a recommendation (see recommendation 1.2.3.6 in Section 1.2.3 in Chapter II of this report).

[127] Furthermore, the Committee also notes that the Regulations establish exemptions to its applicability that differ and go beyond those established by the Act. Given that Regulations cannot go further than the legislation they are regulating, the Committee believes that the country under review could consider making the necessary revisions in order to harmonize both the Act and its Regulations and eliminate the discrepancies. The Committee will formulate a recommendation (see recommendation 1.2.3.7 in Section 1.2.3 in Chapter II of this report).

[128] In that same order of ideas, the Committee observes that Section 4(2) of the Act states that it “*does not apply to the procurement of foods, works or services under \$15,000...³³*”, and it is silent on how the procurement that falls below the threshold will be regulated. Taking into account the size of the economy of the country under review, the Committee believes that it would be beneficial that it consider evaluating the aforementioned \$15,000 threshold in order to determine whether or not it is the most appropriate to ensure the fairness and transparency of the public procurement system. The Committee will formulate a recommendation in this regard (see recommendation 1.2.3.8 in Section 1.2.3 in Chapter II of this report).

[129] Sixth, the Committee observes that Section 23(1) of the Act states that “*All public procurement under this Act may be undertaken using electronic processing system*”³⁴

[130] In that regard, the Committee takes note that during the on-site visit, the representatives of the Board and the Unit indicated that they have not yet implemented an electronic processing system for procurement, but that the Ministry of Finance was working with the UK Department for International Development (DFID) and the World Bank to develop one. They added that mainly the consultancy opportunities are published electronically, while major project procurement opportunities are published in the newspapers and that there was no official publication for small projects. They also added that local newspapers are only published weekly and thus constitute an inadequate form of publication for procurement related matters. In that connection, they also indicated that because they lacked a dedicated website, they had to use the Government’s general site, over which they did not have direct control, which made uploading, updating and maintaining procurement related information a very daunting task.

[131] In view of the foregoing, the Committee believes that it would be beneficial that the country under review consider taking the necessary measures to implement an electronic procurement system, such as the one mentioned in Section 23 of the Act, so that the acquisition of goods and services may be carried out through those means; to make it a requirement to publish online all procurement information such as tender opportunities, status of bids and awards, the progress in the execution of major projects, and other procurement related information; and to consider providing the Board and the Unit with the necessary human and budgetary resources, within available funds, so they can have

³³ As of November, 2017 the currency exchange for \$15,000.00 Eastern Caribbean Dollars is the approximately USD\$5,500.00

³⁴ Section 23(4) of the Act defines electronic processing system as “*the online processing of data through a website.*”

a dedicated website where procurement related information can be published, updated and maintained, in order to ensure the transparency of the process. The Committee will formulate recommendations (see recommendations 1.2.3.9, 1.2.3.10 and 1.2.3.11, in Section 1.2.3 in Chapter II of this report).

[132] The Committee considers worth noting that during the on-site visit, the representative of the Grenada Chamber of Industry and Commerce stated that there was no transparency in the procurement process, and that tender information was published in the Gazette, to which almost no one subscribed due to its high cost (about \$1,200 per year) or the occasional ad in the newspaper, which was very inefficient due to the fact that there is only a circulation of 1,500 and the publication is weekly. She added that the procurement oversight bodies did not have a centralized website or presence in social media, a fact that did not contribute to the transparency of the procurement process.

[133] Seventh, the Committee takes note that Section 23(3) of the Act regarding the “*Use of electronic processing system*” states that “*the Minister may make Regulations to give effect to the provisions of this section,*” but that no regulations have been issued to that effect. In that regard, and taking into consideration that the country under review is already in the process of establishing an electronic processing system for procurement, the Committee believes it would be pertinent that it considers establishing the regulations to give effect to the aforementioned provision of the Act. The Committee will formulate a recommendation (see recommendation 1.2.3.12 in Section 1.2.3 in Chapter II of this report).

[134] Eight, the Committee observes that Section 9(2) of the Regulations establishes that the Unit shall prepare an annual procurement plan of every major item of expenditure for procurements envisaged to be purchased in any financial year, and shall maintain records of particulars with respect to ad-hoc procurements in the format as provided by the Board. Similarly, the Committee also notes that section 21Section 21(1) of the aforementioned Regulation, states that pursuant to section 11 (b) of the Act, each procuring entity shall prepare a procurement plan for each financial year as part of the annual budget preparation process.

[135] In that regard, the Committee observes that during the on-site visit, the representatives of the Unit indicated that they were not currently in a position to publish an annual procurement plan. Similarly, the Committee also notes that with regard the annual procurement plans of the procuring entities of the government agencies, the country under review stated in its response to the questionnaire that it had been difficult to get them to comply with this requirement due to “*a lack of coordination between the ministries and the procurement unit and a lack of coordination within the procuring entities themselves.*”³⁵

[136] In view of the foregoing, the Committee believes that it is pertinent for the country under review to consider taking the necessary measures to ensure that the Unit and the procurement entities of the government agencies prepare and publish their annual procurement plans; including implementing interinstitutional coordination mechanisms, where appropriate, for this purpose. The Committee will formulate a recommendation (see recommendation 1.2.3.13 in Section 1.2.3 in Chapter II of this report).

³⁵ Response of Grenada to the Questionnaire of the Fifth Round, pp. 26-27.

[137] Ninth, the Committee observes that section 28 of the Regulations states that the Board shall prepare and provide standard tender documents for use by the procuring entities, while section 29 states that the Board may, in consultation with specific procuring entities, develop internal procurement manuals, administrative guidelines and best practices manuals consistent with the Act and the Regulations and specific to the procuring entities. In that regard, the Committee also takes note that during the on-site visit the representatives of the Board indicated that they had not yet issued any of these standard tender documents, internal procurement manuals, administrative guidelines, best practices manuals or any other standard procurement documents yet. In view of the foregoing, the Committee believes it pertinent that the country under review considers taking the appropriate measures so the Board issues these standard documents, internal procurement manuals, administrative guidelines, best practices manuals and other standard procurement documents, in compliance of the Regulations and will formulate a recommendation in this regard. (see recommendation 1.2.3.14 in Section 1.2.3 in Chapter II of this report).

[138] Tenth, with regard to debarment procedures, the Committee notes that section 46(2) of the Act states that debarment under this section may be imposed by the Board only on the basis of the procedure set out in the prescribed Regulations which secures due process. However, the Committee notes that the Regulations do not include the procedure that will be used by the Board for disbarment as set forth in section 46(2) of the Act. In view of the foregoing, the Committee believes it pertinent that the country under review considers taking the necessary measures to regulate the procedure for debarment by the Board, ensuring that it secures due process. The Committee will formulate a recommendation (see recommendation 1.2.3.15 in Section 1.2.3 in Chapter II of this report).

[139] In that same order of ideas, the Committee also notes that section 43(3) of the Act states that debarment under that section shall be for one or more periods of time, as may be specified by the Board. Similarly, section 63(2) of the Act establishes the sanctions for breaches to the Act and its Regulations by private natural or legal persons contracted to carry out any functions by a procuring entity or the Board in respect of any procurement proceedings, among which it is debarment “*for a prescribed period.*” In that regard, the Committee notes that neither the Act nor the Regulations contemplate any criteria for determining the periods of time for debarment. In that regard, the Committee believes that it would be pertinent for the country under review to consider establishing provisions that determine the criteria to follow for determining periods of time for debarment, and it will formulate a recommendation in that regard (see recommendation 1.2.3.16 in Section 1.2.3 in Chapter II of this report).

[140] Eleventh, the Committee observes that section 53 of the Act states that the Board shall maintain and make available to public entities a list of persons debarred from participating in procurement proceedings. In that regard, the Committee notes that the country under review did not provide information during the on-site visit or in the response to the questionnaire on whether or not they kept such a list and whether or not they were making it available to public entities. Similarly, the Committee also takes note that section 53 only requires that the list of persons debarred from participating in procurement proceedings should be made available only to public entities, and that there is no provision for its making it public.

[141] In view of the foregoing, the Committee believes it pertinent that the country under review consider taking the necessary measures to ensure that the list of persons debarred from participating in procurement proceedings is shared with the public entities as prescribed by section 53 of the Act; as well as to consider adopting provisions to make it a requirement to make the list publicly available

online. The Committee will formulate recommendations in that regard (see recommendations 1.2.3.17 and 1.2.3.18 in Section 1.2.3 in Chapter II of this report).

[142] Twelfth, the Committee also notes that the Act and the Regulations are silent regarding the publication of awards in a sufficiently justified or substantiated announcement, including aspects relating to the selection decision, so that any person may fully understand the essential justification for the selection of the bid, in order to lend objectivity, transparency and openness to the tendering process. Given the foregoing, and taking into consideration that the Committee made a recommendation during the Second Round in that regard³⁶, in the Committee believes it would be beneficial for the country under review to consider adopting provisions for that purpose. The Committee will formulate a recommendation (see recommendation 1.2.3.19 in Section 1.2.3 in Chapter II of this report).

[143] Thirteenth, the Committee observes that there are no guidelines or criteria within the Act or its Regulations that allow for an analysis as to whether the launch of procurement process requires prior planning sufficiently in advance, such as preparing studies, designs and technical evaluations, and to assess the appropriateness and timeliness of the purchase. Given the foregoing, the Committee believes that the country under review could consider adopting provisions that provide guidelines or criteria that allow for an analysis as to when prior planning is required would assure the openness, equity and efficiency of the system in place for the procurement of goods and services. In this regard, the Committee will formulate a recommendation (see recommendation 1.2.3.20 in Section 1.2.3 in Chapter II of this report).

[144] Fourteenth, the Committee takes note that section 37(2) of the Act, regarding low value procurements, states that *“A regulation prescribing a maximum value for a low-value procurement procedure or prescribing conditions for the use of such a procedure may prescribe different values or conditions for different classes of public entities or different classes of goods, works or services being procured.”* In that regard, the Committee observes that the Regulations do not establish a procedure of this nature or prescribes the conditions mentioned in this section. Given the foregoing, the Committee believes that it would be pertinent that the country under review considers adopting provisions in that regard. The Committee will formulate a recommendation (see recommendation 1.2.3.21 in Section 1.2.3 in Chapter II of this report).

[145] Finally, with regard to provisions that facilitate transparent mechanisms in monitoring the execution of contracts, such as encouraging citizen oversight, where their nature, importance or magnitude so warrants it, in particular public works contracts, the Committee takes note that the country under review, in its response to the questionnaire, stated that *“Section 61 of the public Procurement and Disposal of public Property Act 39 of 2014 makes provision for at least an annual meeting of the board to be held for the purpose of consulting with persons in the public and private sector who have an interest in the public procurement system.”*³⁷

[146] In that regard, the Committee notes that during the on-site visit the representatives of the Board indicated that to date no meetings of this nature had taken place. Given the foregoing, the Committee believes it pertinent that the country under review takes the necessary measures to facilitate oversight mechanisms for execution of contracts, as well as to comply with section 61 of the Act, holding the meetings of consultation with the with the persons in the public and private sector

³⁶ Report of Grenada corresponding to the Second Round, pp. 25.

³⁷ Response of Grenada to the Questionnaire of the Fifth Round, pp. 28-29.

mentioned in the legislation. The Committee will formulate recommendations in this regard (see recommendations 1.2.3.22 and 1.2.3.23 in Section 1.2.3 in Chapter II of this report).

1.2.2.2. New Developments with Respect to Technology

[147] In its Response to the Questionnaire, the country under review presents the following technological development:

[148] *“The Procurement Unit is in the process of seeking assistance from the DFID³⁸ and the World Bank with regard to the implementation of an electronic procurement system.”³⁹*

1.2.2.3. Results

[149] With respect to results, the Committee notes that during the on-site visit the representatives of the Procurement Unit provided the following information:⁴⁰

[150] – *“Ministries and Stakeholders are being sensitized about the new Procurement Legislations”*

[151] – *“The World Bank is assisting with the final revision of the [new draft revision of the] Act”*

[152] – *“Full functioning Procurement Board”*

[153] – *“A Central Disposal Committee for disposal of government property”*

[154] They also added that there were no results available on challenging procedures because no challenges had been brought yet to the newly installed Review Commission, and that the suppliers were not familiar with the Act.

[155] In that regard, the Committee notes that the information provided by the country under review does not provide a comprehensive overview of the application of the system of government procurement that might enable it to make a comprehensive evaluation of the results of this topic.

[156] Given the foregoing, the Committee believes it pertinent that the country under review to consider keeping statistics, broken down by year, on the number and percentage of contracts awarded through open competitive tendering, selective tendering, negotiated procurement, requests for quotations, low value procurement, local community procurements, consultancy services procurement and individual consultants procurement, or any other contracting method, in order to identify challenges and adopt corrective measures if necessary. The Committee will formulate a recommendation (see recommendation 1.2.3.24 in Section 1.2.3 in Chapter II of this report).

[157] Similarly, the Committee believes that it would be beneficial for the country under review to consider keeping statistics, broken down by year on the disciplinary procedures imposed when a public officer found to be acting contrary to the provisions of this Act or the Regulations in the

³⁸ UK Department for International Development.

³⁹ Response of Grenada to the Questionnaire of the Fifth Round, pp. 24.

⁴⁰ See PowerPoint presentation of the Public Procurement Unit
http://www.oas.org/juridico/PDFs/mesicic5_grd_procur_systforgov.pdf

exercise of his or her duty in respect of any procurement proceedings as per section 63(1) and (3) of the Act, so that it is possible to determine how many cases gave rise to disciplinary actions and what types of disciplinary actions were imposed, how many cases gave rise to payment of compensation to the government, the amounts of the compensation imposed, and how much was recovered; and how many of the cases evidencing punishable offenses were transferred to the competent authorities, in order to identify challenges and adopt corrective measures if necessary. The Committee will formulate a recommendation (see recommendation 1.2.3.25 in Section 1.2.3 in Chapter II of this report).

[158] Finally, the Committee believes that it would be pertinent for the country under review to consider keeping statistics, broken down by year on the penalties contemplated in section 63(2) and (3) of the Act, imposed on any private physical or legal person who has been contracted to carry out any functions by a procuring entity or the Board in respect of any procurement proceedings and who has been found to be acting contrary to the provisions of this Act or the Regulations in the exercise of those functions in respect of any such procurement proceedings, so it is possible to determine how many cases gave rise to termination of contracts; how many had to repay all fees, emoluments and benefits received from the date of the said breach; how many were liable to pay compensation to the public entity or the Board for any damage suffered by them as a consequence of the unlawful behavior of that person, including the reimbursement of any compensation paid to an aggrieved tenderer in accordance with any order of the Commission under Part VIII, and how much was recovered or actually paid; how many were debarred and for what period; and how many of the cases evidencing punishable offenses were transferred to the competent authorities, in order to identify challenges and adopt corrective measures if necessary. The Committee will formulate a recommendation (see recommendation 1.2.3.26 in Section 1.2.3 in Chapter II of this report).

1.2.3. Recommendations

[159] In light of the observations formulated in sections 1.2.1 and 1.2.2 of Chapter II of this Report, the Committee suggests that the country under review consider the following recommendations:

- 1.2.3.1.** Take the necessary steps to fully implement the current Public Procurement and Disposal of Public Property Act 2014 and the Public Procurement and Disposal of Public Property Regulations 2015, in to ensure the objectivity, transparency and openness of the procurement process. (See paragraphs 117 to 119 in Section 1.2.2. in Chapter II of this report).
- 1.2.3.2.** Consider adopting the necessary provisions in order to clarify and distinguish the functions of the Public Procurement Board and the Central Procurement Unit, so the newly established procurement regime can be properly implemented (See paragraphs 120 to 122 in Section 1.2.2. in Chapter II of this report).
- 1.2.3.3.** Provide the Central Procurement Unit with the necessary human and budgetary resources, within available funds, so that it can develop the necessary capacity to fulfill its functions regarding the implementation of the procurement regime. (See paragraphs 120 to 122 in Section 1.2.2. in Chapter II of this report).

- 1.2.3.4.** Establish controls to ensure that public entities comply with the Public Procurement and Disposal of Public Property Act of 2014, and its Regulations. (See paragraph 123 in Section 1.2.2. in Chapter II of this report).
- 1.2.3.5.** Provide the Central Procurement Unit with the financial and human resources necessary to train the staff responsible for public procurement, within available resources, in order to ensure compliance by public entities with the Act and its Regulations. (See paragraphs 124 to 125 in Section 1.2.2. in Chapter II of this report).
- 1.2.3.6.** Consider eliminating the discretion on determining the applicability of section 4(2)(i) of the Public Procurement and Disposal of Public Property Act 2014 and 4(g) of its Regulations, by establishing objective criteria to make that determination, so that fairness and transparency can be ensured in the procurement regime. (See paragraph 126 in Section 1.2.2. in Chapter II of this report).
- 1.2.3.7.** Consider eliminating the existing discrepancies concerning the exceptions to the applicability of the Public Procurement and Disposal of Public Property Act 2014 and that of its Regulations. (See paragraph 127 in Section 1.2.2. in Chapter II of this report).
- 1.2.3.8.** Consider evaluating the \$15,000 threshold for the applicability of the Public Procurement and Disposal of Public Property Act 2014 established in section 4(2) of the Act, in order to determine whether or not it is the most appropriate to ensure the fairness and transparency of the public procurement system. (See paragraph 128 in Section 1.2.2. in Chapter II of this report).
- 1.2.3.9.** Develop and implement an electronic procurement system, so that the acquisition of goods and services may be carried out through those means. (See paragraphs 129 to 132 in Section 1.2.2. in Chapter II of this report).
- 1.2.3.10.** Consider making it a requirement to publish online all procurement information such as tender opportunities, status of bids and awards, the progress in the execution of major projects, and other procurement related information. (See paragraphs 129 to 132 in Section 1.2.2. in Chapter II of this report).
- 1.2.3.11.** Provide the Public Procurement Board and the Central Procurement Unit with the necessary human and budgetary resources, within available funds, so they can have a dedicated website where procurement related information can be published, updated and maintained. (See paragraphs 129 to 132 in Section 1.2.2. in Chapter II of this report).
- 1.2.3.12.** Consider establishing the regulations regarding the use of an electronic processing system for public procurement as per section 23 of the Public Procurement and Disposal of Public Property Act 2014. (See paragraph 133 in Section 1.2.2. in Chapter II of this report).
- 1.2.3.13.** Take the necessary measures to ensure that the Central Procurement Unit and the procurement entities of the government agencies prepare and publish their annual

procurement plans; including implementing interinstitutional coordination mechanisms, where appropriate, for this purpose. (See paragraphs 134 to 136 in Section 1.2.2. in Chapter II of this report).

- 1.2.3.14.** Take the appropriate measures so the Public Procurement Board issues standard documents for public tendering as well as the internal procurement manuals, administrative guidelines, best practices manuals and other standard procurement documents, in compliance of the Public Procurement and Disposal of Public Property Regulations 2015, and make them publicly available on their official Website. (See paragraph 137 in Section 1.2.2. in Chapter II of this report).
- 1.2.3.15.** Consider regulating the procedure for debarment by the Board, ensuring that it secures due process in compliance of section 46(2) of the Public Procurement and Disposal of Public Property Act 2014. (See paragraph 138 in Section 1.2.2. in Chapter II of this report).
- 1.2.3.16.** Consider establishing provisions that set out the criteria to follow for determining the periods of time for debarment. (See paragraph 139 in Section 1.2.2. in Chapter II of this report).
- 1.2.3.17.** Take the measures to ensure that the list of persons debarred from participating in procurement proceedings is shared with the public entities as prescribed by section 53 of the Public Procurement and Disposal of Public Property Act 2014. (See paragraphs 140 to 141 in Section 1.2.2. in Chapter II of this report).
- 1.2.3.18.** Consider adopting provisions requiring that the list of persons debarred from participating in procurement proceeding is made publicly available online. (See paragraphs 140 to 141 in Section 1.2.2. in Chapter II of this report).
- 1.2.3.19.** Consider implementing provisions that require awards to be publicized in a sufficiently justified or substantiated announcement, including aspects relating to the selection decision, so that any person may fully understand the essential justification for the selection of the bid, in order to lend objectivity, transparency and openness to the tendering process. (See paragraph 142 in Section 1.2.2. in Chapter II of this report).
- 1.2.3.20.** Implement guidelines or criteria that allow for an analysis as to whether the launch of a procurement process requires prior planning sufficiently in advance, such as preparing studies, designs and technical evaluations, and to assess the appropriateness and timeliness of the purchase. (See paragraph 143 in Section 1.2.2. in Chapter II of this report).
- 1.2.3.21.** Consider establishing a regulation setting a maximum value for low-value procurement procedures or establish a regulation that sets forth conditions for when a low-value procurement procedure may be used. These procedures may take into account different classes of public entities and different types of goods, works, or services be procured, as per section 37(2) of the Public Procurement and Disposal of Public Property Act 2014. (See paragraph 144 in Section 1.2.2. in Chapter II of this report).

- 1.2.3.22. Take the necessary measures to facilitate oversight mechanisms for execution of contracts. (See paragraphs 145 to 146 in Section 1.2.2. in Chapter II of this report).
 - 1.2.3.23. Comply with section 61 of the Public Procurement and Disposal of Public Property Act 2014, by ensuring that meetings of consultation between the Public Procurement Board and the persons in the public and private sector who have an interest in the public procurement system take place on a regular basis. (See paragraphs 145 to 146 in Section 1.2.2. in Chapter II of this report).
 - 1.2.3.24. Keep statistics, broken down by year, on the number and percentage of contracts awarded through open competitive tendering, selective tendering, negotiated procurement, requests for quotations, low value procurement, local community procurements, consultancy services procurement and individual consultants procurement, or any other contracting method, in order to identify challenges and adopt corrective measures if necessary. (See paragraphs 150 to 156 in Section 1.2.2. in Chapter II of this report).
 - 1.2.3.25. Keep statistics, broken down by year on the disciplinary procedures imposed when a public officer found to be acting contrary to the provisions of this Act or the Regulations in the exercise of his or her duty in respect of any procurement proceedings as per section 63(1) and (3) of the Act, so that it is possible to determine how many cases gave rise to disciplinary actions and what types of disciplinary actions were imposed, how many cases gave rise to payment of compensation to the government, the amounts of the compensation imposed, and how much was recovered; and how many of the cases evidencing punishable offenses were transferred to the competent authorities, in order to identify challenges and adopt corrective measures if necessary. (See paragraph 157 in Section 1.2.2. in Chapter II of this report).
 - 1.2.3.26. Keep statistics, broken down by year on the penalties contemplated in section 63(2) and (3) of the Act, imposed on any private physical or legal person who has been contracted to carry out any functions by a procuring entity or the Board in respect of any procurement proceedings and who has been found to be acting contrary to the provisions of this Act or the Regulations in the exercise of those functions in respect of any such procurement proceedings, so it is possible to determine how many cases gave rise to termination of contracts; how many had to repay all fees, emoluments and benefits received from the date of the said breach; how many were be liable to pay compensation to the public entity or the Board for any damage suffered by them as a consequence of the unlawful behavior of that person, including the reimbursement of any compensation paid to an aggrieved tenderer in accordance with any order of the Commission under Part VIII, and how much was recovered or actually paid; how many were debarred and for what period; and how many of the cases evidencing punishable offenses were transferred to the competent authorities, in order to identify challenges and adopt corrective measures if necessary. (See paragraph 158 in Section 1.2.2. in Chapter II of this report).
- 2. SYSTEMS FOR PROTECTING PUBLIC SERVANTS AND PRIVATE CITIZENS WHO, IN GOOD FAITH, REPORT ACTS OF CORRUPTION (ARTICLE III (8) OF THE CONVENTION)**

2.1. Follow-Up to the Implementation of the Recommendations Formulated in the Second Round

Recommendation:

Adopt a comprehensive legal and regulatory framework that provides protection of public servants and private citizens who, in good faith, report acts of corruption, including protection of their identities, in accordance with its Constitution and the basic principles of its domestic legal system.

Measures suggested by the Committee, which require further attention under the terms provided in the report from the Third Round:

- a) *Mechanisms that offer protections to private citizens who report acts of corruption in good faith;*
- b) *Measures to protect the physical integrity of whistleblowers and their families;*
- c) *Mechanisms for reporting, such as anonymous reporting or protection of identity reporting, that protect the personal security and the confidentiality of the identity of public servants and private citizens who in good faith report acts of corruption;*
- d) *Witness protection mechanisms that offer witnesses similar protections to those provided to public servants and private citizens;*
- e) *Mechanisms to report threats or reprisals against persons who report acts of corruption, indicating the competent authorities for processing the necessary requests for protection.*
- f) *Mechanisms to facilitate international cooperation on the foregoing matters, when appropriate, including the technical assistance and cooperation provided for by the Convention, as well as the exchanges of experiences, training, and mutual assistance;*
- g) *Provisions that provide for a general sanction for the failure to observe the rules and/or duties relating to protection.*

[160] Both in its response and during the on-site visit, the Country under review presented information and reported new developments in relation to the above recommendation. In that regard, the Committee notes the following as steps that contribute to progress in its implementation:

[161] – The Integrity in Public Life Act, 2013, section 41 which states that:

[162] “(1) A person who has reasonable grounds to believe that a person in public life is in breach of any provision of the Code of Conduct may make a complaint in writing to the Commission and shall state in the complaint the particulars of the breach including– (a) the period within which the breach was committed; and (b) the names and addresses of person involved in the commission of the breach.

[163] “(2) A person making a complaint pursuant to subsection (1) shall produce to the Commission– (a) evidence to support the complaint including documentary evidence and sworn statements; and (b) such other particulars as may be prescribed.

[164] “(3) A person making a complaint pursuant to subsection (1) shall not be liable in civil or criminal proceedings unless it is proved that the complaint was not made in good faith.”⁴¹

[165] Regarding this matter, the Committee takes note that during the on-site visit the representatives of the Integrity Commission remarked that in terms of protection of whistleblowers of acts of corruption, they had not yet reached the stage of fully implementing the Integrity in Public Life Act, and acknowledged that the protections offered by the Act were very limited. On the other hand, they stated that they had not received yet any cases requiring the protection of whistleblowers, but that nevertheless had implemented some internal protocols for protection of confidentiality and security of information. In that connection, they also stated that there was a need for a legislation to protect the confidentiality and identity of the complainants, as well as assurance of that confidentiality and sanctions for its breach.

[166] On the other hand, the Committee takes note as well that during the on-site visit, the representative of the Department of Public Prosecutions (DPP) referred to the Protection of Witnesses Act of 2014, which makes provisions for the protection of the identity of witnesses in the criminal process. However they added that while the Senate had approved the Act, it still needed the proclamation of the Governor General and therefore was not yet in force.

[167] The Committee takes note of the steps taken by the country under review to implement the above recommendation and of the need that it continue giving attention thereto, bearing in mind that, Grenada has not yet adopted a general law on protection of public officials and private citizens who in good faith report acts of corruption, to which end, it could take into consideration the criteria established in the Model Law to Facilitate and Encourage the Reporting of Acts of Corruption and to Protect Whistleblowers and Witnesses⁴², which is available on the Anticorruption Portal of the Americas. In light of the above, the Committee reiterates recommendation 2.1 formulated in the Second Round, which it considers appropriate to reframe so that it reflects the latter consideration. (See recommendation 2.4.1 in Section 2.4 of Chapter II of this report.)

[168] The Committee also observes that during the on-site visit, the representative of the Grenada Bar Association stated that section 42 of the Integrity Act provided that the Commission may reject a complaint if it is the opinion that the complaint is vexatious. In that regard, they pointed out that the term “vexatious” had not been defined, and that this posed a difficulty as it was too easy to dismiss a complaint on those grounds in the initial stages, to the detriment of the process.

2.2. New Developments with Respect to the provisions of the Convention on provision on systems for protecting public servants and private citizens who in good faith report acts of corruption

2.2.1. New Developments with respect to the Legal Framework

[169] - [The Integrity in Public Life Act, 2013](#), which creates the Integrity Commission and provides a mechanism for complaints against a person in public life when the complainant believes that said person is in breach of any provision of the Code of Conduct.

⁴¹ Available at http://www.oas.org/juridico/PDFs/mesicic4_grd_int.pdf

⁴² Available at http://www.oas.org/juridico/PDFs/model_law_reporting.pdf

2.2.2. Recommendation

[170] In light of the comments made in Section 2.1 of Chapter II of this report, the Committee suggests that the State under review consider the following recommendation:

[171] Enact, through the appropriate authority, a comprehensive law on protection of public officials and private citizens who in good faith report acts of corruption, including protection of their identities, in accordance with the Constitution and the fundamental principles of its domestic system of laws, to which end it might consider the criteria outlined in the Model Law to Facilitate and Encourage the Reporting of Acts of Corruption and to Protect Whistleblowers and Witnesses (available at the Anti-Corruption Portal of the Americas), including, *inter alia*, the following: (See paragraphs 160 to 168 in Section 2.1 of Chapter II of this report.)

- a) Mechanisms that offer protections to private citizens who report acts of corruption in good faith;
- b) Measures to protect the physical integrity of whistleblowers and their families;
- c) Mechanisms for reporting, such as anonymous reporting or protection of identity reporting, that protect the personal security and the confidentiality of the identity of public officials and private citizens who in good faith report acts of corruption;
- d) Witness protection mechanisms that offer witnesses similar protections to those provided to public officials and private citizens;
- e) Mechanisms to report threats or reprisals against persons who report acts of corruption, indicating the competent authorities for processing the necessary requests for protection.
- f) Mechanisms to facilitate international cooperation on the foregoing matters, when appropriate, including the technical assistance and cooperation provided for by the Convention, as well as the exchanges of experiences, training, and mutual assistance;
- g) Provisions that provide for a general sanction for the failure to observe the rules and/or duties relating to protection.

3. ACTS OF CORRUPTION (ARTICLE VI(1) OF THE CONVENTION)

3.1. Follow-up on implementation of the recommendations formulated in the Second Round

Recommendation

Adopt and/or complement, as appropriate, its criminal legislation, in order to include the elements of those acts of corruption set out in Article VI.1 of the Convention.

Measure 3.1 suggested by the Committee, which require further attention under the terms provided in the report from the Third Round:

Study the possibility of amending the legislation in place, in particular the Prevention of Corruption Act, so that the definition of public officer is expanded to include those private citizens who perform public functions or who manage public funds in any capacity or form

[172] In its response, the Country under review presented the following information⁴³:

[173] *“The Prevention of Corruption (Amendment) Act 19 of 2013 amended the Prevention of Corruption Act CAP 252a to substitute a new definition for public officer and provides that “public officer” has the meaning assigned to it pursuant to section 111 of the constitution chapter 128A. Section 111 provides that “public office” means any office of emolument in the public service;”*

[174] In that regard, the Committee takes note that section 111 of the Constitution provides the following definition of public officer:

[175] *“public officer” means a person holding or acting in any public office.”*

[176] *“public office” means any office of emolument in the public service”*

[177] On the other hand, the Committee also takes note that the Public Service Commission Regulations, 1969⁴⁴, offers the following definition:

[178] *“emoluments” means the whole of an officer’s receipts from public funds but does not include fees, transport allowances, subsistence allowances or allowances for out-of-pocket expenses”*

[179] In that connection, the Committee observes that a public officer therefore would be a person who is holding or acting in any public office and receiving a salary from public funds. Therefore, by definition persons performing public functions and being paid through fees and thus not emoluments, such as the case of those under service contracts or un-established personnel, would not be considered public officers. This would also be the case of persons performing public functions or handling public funds on an *ad honorem* basis, or in any other capacity or form that does not involve emoluments.

[180] Given the foregoing, the Committee reiterates the need for the country under review to give additional attention thereto (see recommendation (See recommendation 3.3.1 in Section 2.4 of Chapter II of this report.)

Measure 3.2 suggested by the Committee, which require further attention under the terms provided in the report from the Third Round:

Modify Sections 4(1) and 5(1) of the Prevention of Corruption Act, so as to be more fully consistent with Article VI(1)(b) of the Convention, by incorporating thereto the element of granting a gratification to a public officer

[181] In its response, the Country under review presented the following information⁴⁵:

⁴³ Response of Grenada to the Questionnaire of the Fifth Round, pp. 38.

⁴⁴ Available at http://www.oas.org/juridico/spanish/grd_public_ser_comm.pdf

⁴⁵ Response of Grenada to the Questionnaire of the Fifth Round, pp. 39.

[182] *“The Integrity in Public Life Act No 24 of 2013 which repealed the Integrity in Public Life Act CAP 150A deals with this issue at sections 45 and 46 of the Integrity in public Life Act deals with and provides:*

[183] *“45.—(1) A person in public life shall not accept any gift or reward from any person as— (a) an inducement for any official act to be done by him or her; or (b) a reward for any official act done by him or her.*

[184] *“(2) Notwithstanding subsection (1), a person in public life may accept a gift or reward from— (a) a community organisation on a social occasion which represents the creativity of that organisation; (b) a foreign dignitary, where the person in public life has reasonable grounds to believe that the refusal to accept the gift may offend the foreign dignitary.*

[185] *“(3) Where a person in public life accepts a gift or a reward in the circumstances specified in subsection (2)(b), he or she shall make a report to the Commission of that fact in the prescribed manner within seven days of the receipt of the gift. Report of gifts.336 Act 24 Integrity in Public Life 2013.*

[186] *“(4) Where the Commission determines that the gift was given to the person in public life as a personal gift and was not intended to be a motive or reward for doing or abstaining from doing anything in the course of the performance of his or her official functions or causing any other person from doing or forbearing to do anything, the Commission shall allow the person in public life to retain the gift.*

[187] *“(5) Where the Commission finds through the inquiry that the gift was given to the person in public life— (a) as a State gift; or (b) personally, but was intended to be a motive or reward for doing or abstaining from doing anything in the course of the performance of his or her official functions or causing any other person from doing or forbearing to do anything, the Commission shall direct the person in public life, in writing, to deliver the gift to the Accountant General on behalf of the State within such period not exceeding fourteen days, as may be specified by the Commission, and the person in public life shall comply with the direction within the time so specified.*

[188] *“(6) A person in public life who fails to comply with the direction given by the Commission pursuant to subsection (5), commits an offence and is liable, on summary conviction, to a fine equal to the value of the gift involved or ten thousand dollars, whichever is greater, or to a term of imprisonment not exceeding three months.2013 Integrity in Public Life Act 24 337.”*

[189] In that regard, the Committee wishes to point out that Article VI(1)(b) of the Convention states the following:

[190] *“1. This Convention is applicable to the following acts of corruption:*

[191] *“b. The offering or granting, directly or indirectly, to a government official or a person who performs public functions, of any article of monetary value, or other benefit, such as a gift, favor, promise or advantage for himself or for another person or entity, in exchange for any act or omission in the performance of his public functions;”*

[192] Similarly the Committee wishes to recall that in the review of the Second Round, the Committee made the following observation which is the basis of recommendation 3.2 above:⁴⁶

[193] *“As regards to Sections 4(1) and 5(1) of the Prevention of Corruption Act, as it is applicable to Article VI(1)(b) of the Convention, the Committee believes that this provision can be modified in order to better reflect the elements for this crime as set out in the Convention. While these provisions do address the issue of when a person offers a gratification to a public officer, it is silent when the gratification is granted, the Committee will formulate a recommendation.”*

[194] The Committee also wishes to point out that sections 4(1) and 5(1) of the Prevention of Corruption Act refer specifically to the responsibility of persons offering a gratification to public officer as opposed to the responsibility of a public officer for receiving said gratification, which is covered in other sections. In that regard the Committee observes that no modification has been made to the aforementioned sections 4(1) and 5(1) of the Prevention of Corruption Act to include the element of granting the gratification in accordance with recommendation 3.2 above, and that section 44 of the Integrity in Public Life Act, which has a more limited scope than the Prevention of Corruption Act, does not address the issue either.

[195] Given the foregoing, the Committee reiterates the need for the country under review to give additional attention thereto (see recommendation 3.3.2. in Section 2.4 of Chapter II of this report.)

Measure 3.3 suggested by the Committee, which require further attention under the terms provided in the report from the Third Round

Criminalize the fraudulent use or concealment of property derived from any of the acts referred to in Article VI(1) of the Convention, in accordance with paragraph (d) of the same Article.

[196] In its response the country under review presented the following information⁴⁷:

[197] *“Recommendation 3.3 has been addressed by the provisions of section 46 of the Integrity in Public Life act which provides that a person who fails to furnish the Commission with declarations or further particulars which he or she is required to furnish in accordance with the provisions of the act commits an offence and is liable on conviction on indictment to a fine not exceeding two hundred thousand dollars or to a term of imprisonment not exceeding five years.”*

[198] In that regard, the Committee has the following observations:

[199] First, the Committee wishes to highlight that the purpose of the Integrity in Public Life Act, is *“to establish an Integrity Commission in order to ensure integrity in public life, to obtain declaration of the assets, liabilities, income and interest in relation to property of persons in public life, to give effect to the provisions of the Inter-American Convention Against Corruption and for matters incidental thereto and for purposes connected therewith.”*⁴⁸ In that regard, the Committee also takes note that the purpose of this Act is very specific, has limited scope, and does not fully address the issues that gave rise to recommendation 3.3 above.

[200] Second, the Committee wishes to recall that Article VI(1)(d) of the Convention states that:

⁴⁶ Report of Grenada corresponding to the Second Round, pp. 23.

⁴⁷ Response of Grenada to the Questionnaire of the Fifth Round, pp. 39.

⁴⁸ See http://www.gov.gd/egov/docs/legislations/act_14_Integrity_public_life%20Act%202007.pdf

[201] *“This Convention is applicable to the following acts of corruption:*

[202] *“The fraudulent use of concealment of property derived from any of the acts referred to in this article;”*

[203] Given the foregoing, the Committee reiterates the need for the country under review to give additional attention thereto (see recommendation 3.3.3 in Section 2.4 of Chapter II of this report.)

3.2. New developments with respect to the Convention provision on acts of corruption

3.2.1. New Developments with respect to the Legal Framework

[204] - [The Integrity in Public Life Act, 2013](#), which creates the Integrity Commission in order to ensure integrity in public life, to obtain declaration of the assets, liabilities, income and interest in relation to property of persons in public life, to give effect to the provisions of the Inter-American Convention Against Corruption, and for matters incidental thereto, and for purposes connected therewith.

3.3. Recommendations

[205] In light of the comments made in Section 2.1 of Chapter II of this report, the Committee suggests that the State under review consider the following recommendations:

- 3.3.1.** Study the possibility of amending the legislation in place, in particular the Prevention of Corruption Act, so that the definition of public officer is expanded to include all public officials, including public officials serving under contract, as well as all persons, including private citizens, who are performing public functions as defined in Article I of the Convention. (See paragraphs 172 to 180 in Section 3.1 of Chapter II of this report.)
- 3.3.2.** Modify Sections 4(1) and 5(1) of the Prevention of Corruption Act, so as to be more fully consistent with Article VI(1)(b) of the Convention, by incorporating thereto the element of granting a gratification to a public officer. (See paragraphs 181 to 195 in Section 3.1 of Chapter II of this report.)
- 3.3.3.** Criminalize the fraudulent use or concealment of property derived from any of the acts referred to in Article VI(1) of the Convention, in accordance with paragraph (d) of the same Article. (See paragraphs 196 to 203 in Section 3.1 of Chapter II of this report.)

4. GENERAL RECOMMENDATIONS

Recommendation 4.1 which requires further attention:

Design and implement, when appropriate, training programs for public servants responsible for implementing the systems, provisions, measures, and mechanisms considered in this report, for the purpose of guaranteeing that they are adequately understood, managed, and implemented

[206] Bearing in mind that Sections 1, 2, and 3 of Chapter II of this report contain an up-to-date, detailed analysis both of the follow-up on the recommendations made to the State under review in the Second Round and of the systems, standards, measures, and mechanisms to which the above recommendation refers, the Committee, reaffirms the contents of those sections and, therefore, considers that this recommendation is redundant.

Recommendation 4.2 which requires further attention:

Select and develop procedures and indicators, when appropriate and where they do not yet exist, to analyze the results of the systems, standards, measures and mechanisms considered in this Report, and to verify follow-up on the recommendations made herein.

[207] Bearing in mind that Sections 1, 2, and 3 of Chapter II of this report contain an up-to-date, detailed analysis both of the follow-up on the recommendations made to the State under review in the Second Round and of the systems, standards, measures, and mechanisms to which the above recommendation refers, the Committee, reaffirms the contents of those sections and, therefore, considers that this recommendation is redundant

III. REVIEW, CONCLUSIONS AND RECOMMENDATIONS ON IMPLEMENTATION BY THE STATE PARTY OF THE CONVENTION PROVISIONS SELECTED FOR THE FIFTH ROUND

1. INSTRUCTION TO GOVERNMENT PERSONNEL TO ENSURE PROPER UNDERSTANDING OF THEIR RESPONSIBILITIES AND THE ETHICAL RULES GOVERNING THEIR ACTIVITIES (ARTICLE III, PARAGRAPH 3 OF THE CONVENTION)

[208] In keeping with the Methodology agreed upon by the Committee for its analysis of the provision selected for the Fifth Round, which is contained in Article III (3) of the Convention and concerns measures to create, maintain, and strengthen “instruction to government personnel to ensure proper understanding of their responsibilities and the ethical rules governing their activities,” the State under review chose the judiciary, and the Audit Department, based on the consideration that they stand out for having implemented programs in that connection. 1.1. Existence of provisions in the legal framework and/or other measures.

1.1. Existence of provisions in the legal framework and/or other measures

[209] The State under review has a set of provisions and/or measures on instruction to government personnel to ensure proper understanding of their responsibilities and the ethical rules governing their activities, notable among which are the following:

- Statutory, legal and other provisions or measures applicable to personnel under the authority of the Judiciary, including, in particular⁴⁹:

[210] – The Code of Judicial Conduct for Eastern Caribbean Judges⁵⁰.

⁴⁹ Response of Grenada to the Questionnaire of the Fifth Round, pp. 4.

⁵⁰ Available at <https://www.eccourts.org/code-of-judicial-conduct-2/>

[211] As to the way in which personnel are informed of their responsibilities or functions and whether records are kept thereof, in its response, the country under review stated that *“The judges are informed of their responsibilities and functions verbally at their interview session and through the advertisement for the position of High Court Judge. No records are kept of these verbal instructions.”*⁵¹

[212] Regarding the occasion(s) when personnel are informed of their responsibilities and functions, indicating whether this is done when they begin performing them or at a later point, in its response, the country under review stated that *“Information regarding responsibilities and functions is given at the interview session prior to taking up the appointment. At that interview Judges are referred to the West Indies Associated States Supreme Court Act CAP336 of the continuous Revised Edition of the Laws of Grenada which sets the limits and also confers jurisdiction on the High Court and Judges.”*⁵²

[213] With regard to the existence of introductory, training or instructional programs and courses for personnel on how to perform their responsibilities and functions properly and, particularly, for making them aware of the risks of corruption inherent in the performance of those functions, in its response, the country under review stated that *“No introductory training is conducted. Training is provided annually to all judges at which time sessions may be held with regard to risks of corruption and building competencies in relation to various aspects of their functions such as judgment writing, controlling the court room environment etc.”*⁵³

[214] As to the use of modern communication technologies to apprise personnel of their responsibilities or functions and to provide guidance on how to perform them properly, in its response, the country under review stated that *“Court rules, practice directions and relevant legislation are posted on the [Eastern Caribbean Supreme Court] ECSC’s website and are available for all judges to access.”*⁵⁴

[215] With regard to the existence of bodies to which personnel can resort to obtain information or resolve doubts about how to perform their responsibilities and functions properly, in its response, the country under review stated that the Regional *“Judicial and Legal Services Commission”*⁵⁵ has overarching responsibility for judges of the Eastern Caribbean Supreme Court. This body can employ measures to enforce the norms and practices of the judiciary and can take steps to ensure judges comply with required standards.⁵⁶

[216] Regarding the way in which personnel are informed of the ethical rules governing their activities, indicating whether this is done verbally or in writing and whether records are kept of those instructions, in its response, the country under review stated that information regarding the ethical rules governing judicial activities is provided orally at the interview but judges are also referred to the Code of conduct which is available on the ECSC website.⁵⁷

⁵¹ Response of Grenada to the Questionnaire of the Fifth Round, pp. 5.

⁵² Response of Grenada to the Questionnaire of the Fifth Round, pp. 5.

⁵³ Response of Grenada to the Questionnaire of the Fifth Round, pp. 6.

⁵⁴ Response of Grenada to the Questionnaire of the Fifth Round, pp. 7.

⁵⁵ With headquarters in St. Lucia.

⁵⁶ Response of Grenada to the Questionnaire of the Fifth Round, pp. 6.

⁵⁷ Response of Grenada to the Questionnaire of the Fifth Round, pp. 8.

[217] As to the occasion(s) when personnel are informed of ethical rules governing their activities, indicating whether this is done when they begin performing them or at some later point; when a change in their functions entails a different set of applicable ethical rules; or when changes are made to those rules, in its response, the country under review states that judges are informed of these ethical rules at their interviews prior to sitting on the bench⁵⁸

[218] With regard to the existence of introductory, training or instructional programs and courses for personnel on the ethical rules governing their activities and, particularly, on the consequences of failure to abide by them for public institutions and for wrongdoers, in its response, the country under review states that Annual training sessions are conducted at which time sessions may be held with regard to ethics and consequences for failure to comply with such rules and codes. No such training is provided prior to taking up the position.⁵⁹

[219] Regarding the use of modern communication technologies to apprise personnel of the ethical rules governing their activities and to provide guidance as to their scope or interpretation, in its response, the country under review stated that Judges are informed of the applicable code of conduct and any updates thereto via the ECSC website.⁶⁰

[220] Finally, as for the existence of a governing organ, authority or body responsible for defining, steering, giving guidance on, or supporting the manner in which personnel are to be informed of the ethical rules governing their activities, and for seeing that this task is fully carried out, and the measures or actions that such bodies can take to enforce the norms and/or measures in force in this regard, the country under review stated that *“The [Regional] Judicial and Legal Services Commission has overarching responsibility for judges of the Eastern Caribbean Supreme Court. This body can employ measures to enforce the norms and practices of the judiciary and can take steps to ensure judges comply with required standards.”*⁶¹

- Constitutional, legal and other provisions or measures applicable to personnel under the authority of the Audit Department, including, in particular:⁶²

[221] - [Grenada Constitution Order](#), Sections 82 and 87, which determine that there shall be a Director of Office whose office shall be a public office, determine his or her functions and the manner in which he or she shall be appointed.

[222] - [Audit Act CAP 22A](#) of the Continuous Revised Edition of the Revised laws of Grenada

[223] - Public Finance Management Act CAP 262B of the Continuous Revised Edition of the Laws of Grenada⁶³

[224] – Code of Ethics of the International Organization of Supreme Audit Institutions (INTOSAI)

⁵⁸ Response of Grenada to the Questionnaire of the Fifth Round, pp. 9.

⁵⁹ Response of Grenada to the Questionnaire of the Fifth Round, pp. 8.

⁶⁰ Response of Grenada to the Questionnaire of the Fifth Round, pp. 9.

⁶¹ Response of Grenada to the Questionnaire of the Fifth Round, pp. 10.

⁶² Response of Grenada to the Questionnaire of the Fifth Round, pp. 4.

⁶³ See <http://laws.gov.gd>

[225] As to the way in which personnel are informed of their responsibilities or functions and whether records are kept thereof, in its response, the country under review stated that the Audit Department has an orientation program which includes a discussion of the principal legislation which describes the responsibilities and functions of personnel are discussed, and provides them with copies of the applicable legislation. At that time, persons are required to sign an affirmation of secrecy and a declaration of compliance with ethical standards. In addition to the initial declaration of compliance, persons are required to sign the auditor's annual declaration of compliance with ethical requirements. A declaration prior to audit engagements is also signed prior to every audit engagement.

[226] Regarding the occasion(s) when personnel are informed of their responsibilities and functions, indicating whether this is done when they begin performing them or at a later point; when those functions change; or when functions change due to a change of post, in its response, the country under review stated that there is introductory training through an orientation program where the responsibilities and functions of the new officers are discussed. An annual declaration of compliance with ethical standards is also signed. In-house training is also provided periodically on an ongoing basis *"there is introductory training through an orientation program where the responsibilities and functions of the new officers are discussed. An annual declaration of compliance with ethical standards is also signed. In house training is also provided periodically on an ongoing basis."*⁶⁴

[227] With regard to existence of introductory, training or instructional programs and courses for personnel on how to perform their responsibilities and functions properly and, particularly, for making them aware of the risks of corruption inherent in the performance of those functions, in its response, the country under review stated that there is an *"orientation program where the responsibilities and functions of the new officers are discussed. In-house training is also provided periodically on an ongoing basis."*⁶⁵

[228] As to the existence of bodies to which personnel can resort to obtain information or resolve doubts about how to perform their responsibilities and functions properly, in its response, the country under review stated that institutional support is provided through the International Organization of Supreme Audit Institutions (INTOSAI) and the Caribbean Organization of Supreme Audit Institutions (CAROSAI).⁶⁶

[229] Regarding the way in which personnel are informed of the ethical rules governing their activities, indicating whether this is done verbally or in writing and whether records are kept of those instructions, in its response, the country under review stated that the Audit Department has an orientation program for new officers at which time officers are required to sign an affirmation of secrecy and a declaration of compliance with ethical standards. In addition to the initial declaration of compliance officers are required to sign the auditor's annual declaration of compliance with ethical requirements. A declaration prior to audit engagements is also signed prior to every audit engagement.⁶⁷

[230] With regard to the existence of introductory, training or instructional programs and courses for personnel on how to perform their responsibilities and functions properly and, particularly, for making them aware of the risks of corruption inherent in the performance of those functions, in its

⁶⁴ Response of Grenada to the Questionnaire of the Fifth Round, pp. 6

⁶⁵ Idem.

⁶⁶ Idem.

⁶⁷ Idem.

response, the country under review reiterated that there is introductory training through an orientation program where the responsibilities and functions of the new officers are discussed. In-house training is also provided periodically on an ongoing basis.⁶⁸

[231] As to the use of modern communication technologies to apprise personnel of their responsibilities or functions and to provide guidance on how to perform them properly, in its response, the country under review stated that the laws respecting the Department of Audit are online at the Government of Grenada website, that the roles and responsibilities of the officers in the Audit Department are on the webpage of the Audit Department, and that the Audit Department has a WhatsApp group for sharing information.⁶⁹

[232] Regarding the existence of bodies to which personnel can resort to obtain information or resolve doubts about how to perform their responsibilities and functions properly, in its response, the country under review stated that institutional support is provided through the International Organization of Supreme Audit Institutions (INTOSAI) and the Caribbean Organization of Supreme Audit Institutions (CAROSAI).⁷⁰

[233] With regard to way in which personnel are informed of the ethical rules governing their activities, indicating whether this is done verbally or in writing and whether records are kept of those instructions, in its response, the country under review reiterated that it has an orientation program for new officers at which time officers are required to sign an affirmation of secrecy and a declaration of compliance with ethical standards; that in addition to the initial declaration of compliance officers are required to sign the auditor's annual declaration of compliance with ethical requirements; and that a declaration prior to audit engagements is also signed prior to every audit engagement.⁷¹

[234] Additionally, during the on-site visit, the representatives of the Audit Department expressed that they receive training from the Caribbean Organization of Supreme Audit Institutions (CAROSAI), the INTOSAI Development Initiative (IDI), and the World Bank, and that in the case of training by CAROSAI, written certifications were issued. Similarly, they also stated that they have a training officer internally for both ethics and functions.

- Constitutional, legal and other provisions or measures applicable to personnel under the authority of the Integrity Commission, including, in particular⁷²:

[235] - Sections 4(4) and 19(2) of the Integrity in Public Life Act 24 of 2013.

[236] - Schedule six of the Integrity in Public Life Act. No. 24 of 2013 which sets out the code of conduct

[237] As to the way in which personnel are informed of their responsibilities or functions and whether records are kept thereof, in its response, the country under review stated that the Integrity Commission has implemented a Staff Orientation Program which takes place during the first week of work. Employees receive documentation of terms and conditions of work, related legislation policies

⁶⁸ Idem.

⁶⁹ Idem. pp.7

⁷⁰ Idem.

⁷¹ Idem. pp. 8

⁷² Response of Grenada to the Questionnaire of the Fifth Round, pp. 4.

and procedures, which are then further discussed and explained. A checklist is created, by which each aspect of the Orientation Program is scheduled and noted when completed. In addition, members of staff also receive training on the functions of key stakeholders.⁷³

[238] Regarding the occasion(s) when personnel are informed of their responsibilities and functions, indicating whether this is done when they begin performing them or at a later point; when those functions change; or when functions change due to a change of post, in its response, the country under review stated that Staff of the Commission undergo training exercises, which are arranged and completed with relevant Government agencies and Departments. Such Departments include the Supreme Court Registry; Audit Department; Accountant General's Office and Financial Intelligence Unit. These training sessions serve to facilitate the sharing of some of the functions of the Commission and also serve to enable the staff of the Commission to have a clearer understanding of the roles and functions of several key Departments that are directly or indirectly involved in the fight against corruption. Additionally, these Departments serve as "sources of information" to assist with the investigation and verification of supporting documents declared by Public Officials in their declarations.⁷⁴

[239] With regard to the existence of a governing organ, authority or body responsible for defining, steering, advising, or supporting the manner in which personnel are to be informed of their responsibilities and functions, and for seeing that this task is fully carried out, and the measures or actions that such bodies can take to enforce the norms and/or measures in force in this regard, in its response, the country under review states that the Integrity Commission regulates the issuing of instructions and conducts monitoring functions.⁷⁵

[240] As to the way in which personnel are informed of the ethical rules governing their activities, indicating whether this is done verbally or in writing and whether records are kept of those instructions, in its response, the country under review states that ethical standards and rules governing the personnel of the Integrity Commission and discussed at the orientation during their first week in office. Before assuming office the commissioners and staff of are required to make and subscribe to "the oath of office" and oath of secrecy" before the Governor General pursuant to section s 4(4) and 19(2) of the Integrity in Public life Act 24 of 2013.⁷⁶

1.2. Adequacy of the legal framework and/or other measures

[241] Based on its examination of the constitutional, legal and other provisions on measures for providing instruction to government personnel at the three public-sector entities selected by the State under review in order to ensure proper understanding of their responsibilities and the ethical rules governing their activities, the Committee finds that they are relevant for the purposes of the Convention.

[242] However, the Committee believes it timely to make a number of observations in relation thereto:

⁷³ Idem, pp. 5

⁷⁴ Idem, pp. 5

⁷⁵ Idem, pp. 8

⁷⁶ Idem.

- With respect to the provisions and measures that apply to the personnel of the Judiciary, the Committee notes the following:

[243] First, the Committee takes note that the Judicial and Legal Services Commission (JLSC)⁷⁷, headquartered in Saint Lucia, is the body in charge of instructing the Judiciary to ensure proper understanding of their responsibilities and the ethical rules governing their activities, has overarching responsibility for judges of the Eastern Caribbean Supreme Court (ECSC), and can employ measures to enforce the norms and practices of the judiciary and can take steps to ensure judges comply with required standards.

[244] Taking into consideration that the JLSC is a regional body with jurisdiction over several Eastern Caribbean countries, including Grenada, the Committee considers that its review would exceed the scope of the Mechanism and therefore will not make any observations in this regard.

[245] Nevertheless, the Committee takes note that during the on-site visit, the representative of the Office of the Registrar pointed out that Registrars and Court staff are not under the purview of the JLSC, and that they did not have an induction process and that training, whether on their functions or on ethics, was sporadic at best. And that while they had issued a Registrar's Handbook and a Secretaries Handbook, that describe their functions and that include an outline of ethics, it would be beneficial if the personnel of the Office of the Registrar as well as Court personnel, received regular training in both the understanding of their functions and on ethics and the risks of corruption.

[246] Given the foregoing, the Committee believes that it would be beneficial for the country under review to consider adopting programs for the staff of the Office of the Registrar, as well as other Court personnel, to ensure proper understanding of their responsibilities, as well as induction, training, or instruction programs and courses on the ethical rules that govern their activities and, in particular, on the consequences of their infringement for the civil service and for violators. The Committee will formulate a recommendation (See recommendation 1.4.1 in Section 1.4 of Chapter III of this report.)

- With respect to the provisions and measures that apply to the personnel of Audit Department, the Committee notes the following:

[247] The Committee takes note that during the on-site visit, the representatives of the Audit Department expressed that while they receive training from the Caribbean Organization of Supreme Audit Institutions (CAROSAI), the INTOSAI Development Initiative (IDI), and the World Bank, they need financial assistance every time they need to travel for training. And that while they have a local training officer for both ethics and functions, they need resources for carrying out the training.

[248] Given the foregoing, the Committee believes that it would be beneficial that the country under review consider strengthening the Audit Department by providing them, subject to availability of funds, with the financial resources needed to provide and receive training regarding proper understanding of their responsibilities and the ethical rules governing their activities. The Committee will formulate a recommendation. (See recommendation 1.4.2 in Section 1.4 of Chapter III of this report.)

⁷⁷ With headquarters in St. Lucia.

[249] Additionally, the Committee observes that it is not clear that the training offered to the staff of the Audit Department includes modules regarding awareness of the risks of corruption inherent in the performance of their functions, as well as of the consequences of failure to abide by them for public institutions and for wrongdoers. The Committee believes that it would be pertinent that the country under review consider including these topics in the training programs offered to its staff. The Committee will formulate a recommendation in that regard. (See recommendation 1.4.3 in Section 1.4 of Chapter III of this report.)

[250] It is worth highlighting that during the Fourth Round, the Audit Department pointed out the need for technical cooperation to train its staff to detect acts of corruption and to develop and implement strategies and procedures on how to get interested parties to get involved and report corrupt practices. As a result, the Committee formulated the following recommendation, which it reiterates in this occasion.⁷⁸

[251] *“Take appropriate steps to request from international organizations and other countries the technical cooperation required by the Audit Department to train its staff to detect corrupt practices and to help develop and implement strategies and procedures on how to get interested parties involved and to report corrupt practices.”*

- With respect to the provisions and measures that apply to the personnel of the Integrity Commission (IC), the Committee notes the following:

[252] First, the Committee takes note that during the on-site visit, the representatives of the Integrity Commission stated that they have started conducting some in-house training courses, which were presently directed to the high authorities such as permanent secretaries and heads of Department, but that they intended to expand public education to other public officials, in keeping with the Integrity in Public Life Act, No.24 of 2013 Section 12 (h).

[253] In this regard, the Committee takes note that during the Fourth Round, the representatives of the IC pointed out that *“it had begun giving in-house training courses and that a training program would gradually be developed as staff are recruited, the IC currently has no officially adopted comprehensive training plan for its staff. Given that the Committee considers that the IC would benefit from such a plan.”* Given the foregoing, the Committee reiterates that recommendation.⁷⁹

[254] Second, the Committee notes that from the information provided in the response or during the on-site visit, it is not clear that the current training offered by the IC includes modules regarding awareness on the risks of corruption inherent in the performance of the functions of public officials, as well as of the consequences of failure to abide by them for public institutions and for wrongdoers. The Committee, therefore, considers that it would be pertinent to include these topics in the training programs offered by the IC, and will formulate a recommendation in this regard. (See recommendation 1.4.4 in Section 1.4 of Chapter III of this report.)

[255] Third, the Committee also notes that during the on-site visit, the representatives of the IC stated that there was some overlap between the work of their agency and that of the Public Service Commission (PSC), and that they were planning on working together in order to fill up the gaps and

⁷⁸ Report of Grenada on the Fourth Round, paragraph 194 and recommendation 4.4.10.

⁷⁹ Report of Grenada on the Fourth Round, paragraph 52 and recommendation 1.4.12. *“Adopt a comprehensive training plan for staff of the Integrity Commission.”*

identify overlaps. In that regard, the Committee believes it would be beneficial for the country under review, to consider implementing inter-institutional cooperation mechanisms, where appropriate, in order to optimize the training offered to public officials, especially regarding the ethical rules governing their activities. The Committee will formulate a recommendation. (See recommendation 1.4.5 in Section 1.4 of Chapter III of this report.)

1.3. Results of the legal framework and/or other measures

[256] The country under review did not provide results regarding instruction to government personnel to ensure proper understanding of their responsibilities and the ethical rules governing their activities either on its response to the questionnaire or during the on-site visit.

[257] Given the foregoing, the Committee believes that it would be beneficial for the country under review to keep detailed statistics on all the public-sector entities selected by the State under review with data, disaggregated by date, on induction, training, and instruction courses to ensure proper understanding by their personnel of their official responsibilities and functions, the periodicity or frequency with which they are imparted, the number of civil servants taking part, the use of technological tools for those purposes, and the activities carried out to determine if the objective of ensuring that those official responsibilities and functions are understood has been met. The Committee will formulate a recommendation. (See recommendation 1.4.6 in Section 1.4 of Chapter III of this report.)

[258] Similarly, the Committee believes that it would be beneficial for the country under review to consider keeping detailed statistics on all the public-sector entities selected by the State under review with data, disaggregated by date, on induction, training, and instruction courses to ensure proper understanding of the ethical rules that guide the activities of their personnel, the periodicity or frequency with which they are imparted, the number of civil servants taking part, the use of technological tools for those purposes, and the activities carried out to determine if the objective of ensuring that those ethical rules are understood has been met. The Committee will formulate a recommendation. (See recommendation 1.4.7 in Section 1.4 of Chapter III of this report.)

1.4. Recommendations

[259] In light of the comments made in Sections 1.2 and 1.3 of Chapter II of this report, the Committee suggests that the State under review consider the following recommendations:

- 1.4.1.** Adopt programs for the staff of the Office of the Registrar, as well as other Court personnel, to ensure proper understanding of their responsibilities, as well as induction, training, or instruction programs and courses on the ethical rules that govern their activities and, in particular, on the consequences of their infringement for the civil service and for violators (See paragraphs 243 to 246 in Section 1.2 of Chapter III of this report.)
- 1.4.2.** Strengthen the Audit Department by providing them, subject to availability of funds, with the financial resources needed to provide and receive training regarding proper understanding of their responsibilities and the ethical rules governing their activities. (See paragraphs 247 to 248 in Section 1.2 of Chapter III of this report.)

- 1.4.3.** Include in the training programs offered to the staff under the authority of the Audit Department, modules regarding awareness of the risks of corruption inherent in the performance of their functions, as well as of the consequences of failure to abide by them for public institutions and for wrongdoers. (See paragraphs 249 to 251 in Section 1.2 of Chapter III of this report.)
- 1.4.4.** Include in the training programs offered to the staff under the authority of the Integrity Commission, modules regarding awareness of the risks of corruption inherent in the performance of their functions, as well as of the consequences of failure to abide by them for public institutions and for wrongdoers. (See paragraphs 252 to 254 in Section 1.2 of Chapter III of this report.)
- 1.4.5.** Implement inter-institutional cooperation mechanisms between the Integrity Commission and the Public Service Commission, where appropriate, in order to optimize the training offered to public officials, in particular regarding the ethical rules governing their activities. (See paragraph 255 in Section 1.2 of Chapter III of this report.)
- 1.4.6.** Keep detailed statistics on all the public-sector entities selected by the State under review with data, disaggregated by date, on induction, training, and instruction courses to ensure proper understanding by their personnel of their official responsibilities and functions, the periodicity or frequency with which they are imparted, the number of civil servants taking part, the use of technological tools for those purposes, and the activities carried out to determine if the objective of ensuring that those official responsibilities and functions are understood has been met. (See paragraph 257 in Section 1.3 of Chapter III of this report.)
- 1.4.7.** Keep detailed statistics on all the public-sector entities selected by the State under review with data, disaggregated by date, on induction, training, and instruction courses to ensure proper understanding of the ethical rules that guide the activities of their personnel, the periodicity or frequency with which they are imparted, the number of civil servants taking part, the use of technological tools for those purposes, and the activities carried out to determine if the objective of ensuring that those ethical rules are understood has been met. (See paragraph 258 in Section 1.3 of Chapter III of this report.)

2. STUDY OF PREVENTIVE MEASURES THAT TAKE INTO ACCOUNT THE RELATIONSHIP BETWEEN EQUITABLE COMPENSATION AND PROBITY IN PUBLIC SERVICE (ARTICLE III, PARAGRAPH 12 OF THE CONVENTION)

2.1. STUDY OF PREVENTIVE MEASURES THAT TAKE INTO ACCOUNT THE RELATIONSHIP BETWEEN EQUITABLE COMPENSATION AND PROBITY IN PUBLIC SERVICE

[260] In its response to the questionnaire, the State under review says: *“There is no evidence to suggest that Grenada has studied prevention measures that take into account the relationship between equitable compensation and probity in public service.”*⁸⁰

⁸⁰ Response of Grenada to the Questionnaire, pp. 11.

2.2. ESTABLISHMENT OF OBJECTIVE AND TRANSPARENT CRITERIA TO DETERMINE COMPENSATION FOR PUBLIC SERVANTS

2.2.1. Existence of provisions in the legal framework and/or other measures

[261] The State under review has a number of provisions for determining civil servant remunerations, in particular:

[262] – The Fiscal Responsibility Act No 29 of 2015 which governs matters related to the management of public finances and fiscal matters relating to the central government and covered public entities. The country under review, in its response, states that Part II of the Fiscal Responsibility Act deals with a fiscal responsibility framework, while Section 7 provides for expenditure and wage rules one of which is a ratio of expenditure on the wage bill not exceeding nine percent.

[263] – The Public Finance Management Act, which deals with the control and management of public finance.

[264] – The Public Debt Management Act.

2.2.2. Adequacy of the legal framework and/or other measures

[265] With regard to the provisions related to the establishment of objective and transparent criteria for establishing the salary levels of public officials, based on the information available to it, the Committee believes it would be appropriate to offer certain comments in relation thereto:

[266] First, the Committee takes note that during the on-site visit, the representatives of the Department of Public Administration (DPA) and the Public Service Commission (PSC) stated that while there are salary scales for established personnel, which are the result of union agreements and a government negotiation team, there are no salary scales for unestablished personnel, which at this point constitutes the majority of new hires.

[267] In that regard, the representatives of the DPA added that there is no policy to establish objective and transparent criteria for determining the salary levels of public officials, established or non-established, and that they are currently working on a draft for a comprehensive compensation policy.

[268] Given the foregoing, the Committee believes it would be useful for the country under review to consider taking the necessary legislative measures to adopt a wage policy law that establishes, as a minimum, objective criteria for equitable compensation in the public sector. The Committee will formulate a recommendation (see recommendation 2.2.3.1 in section 2.2.3 of Chapter III of this Report).

2.2.3. Recommendation

[269] Based on the analysis set out in the preceding paragraphs as regards the implementation in the State under review of the provision contained in Article III, paragraph 12, of the Convention, the Committee suggests that the State under review consider the following recommendation:

2.2.3.1. Consider taking the necessary legislative measures to adopt a wage policy law that establishes, as a minimum, objective and transparent criteria for equitable compensation in the public sector. (See paragraphs 265 to 268 of section 2.2.1 of Chapter III of this report).

IV. BEST PRACTICES

[270] The country under review did not present information on best practices related to the implementation of the provisions of the Convention selected for the Second and Fifth Rounds of Review.

**COMMITTEE OF EXPERTS
OF THE FOLLOW-UP MECHANISM ON THE IMPLEMENTATION
OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION**

FIFTH ROUND OF REVIEW

**AGENDA
FOR THE ON-SITE VISIT
GRENADA**

<u>Tuesday, October 10, 2017</u>	
3:00 pm – 4:00 pm <i>Grenada Blue Horizons Garden Resort (GBHGR)</i>	Coordination meeting between the representatives of the member states of the Subgroup and the Technical Secretariat
4:00 pm – 5:00 pm <i>GBHGR</i>	Coordination meeting between the representatives of the State under review, the member states of the Subgroup, and the Technical Secretariat
<u>Wednesday, October 11, 2017</u>	
9:30 am – 12:15 pm <i>GBHGR</i>	Meetings with civil society organizations and/or, <i>inter alia</i>, private sector organizations, professional associations, academics or researchers
9:30 am – 10:45 am	<ul style="list-style-type: none"> • Systems for the protection of corruption whistleblowers
	<u>Participant:</u> <ul style="list-style-type: none"> - <i>Grenada Bar Association</i> Ms. Dawn DeCoteau
11:00 am – 12:15 pm	<ul style="list-style-type: none"> • Systems for government procurement of goods and services\ • Government hiring systems and training and remuneration of government officers
	<u>Participant:</u> <ul style="list-style-type: none"> - <i>Grenada Chamber of Industry and Commerce</i> Ms. Margaret Wilkinson

12:30 pm – 2:30 pm	Lunch
2:30 pm – 5:30 pm <i>GBHGR</i>	Meetings with public authorities: Government hiring systems and training and remuneration of government officers
2:30 pm – 3:45 pm	<p><u>Panel 1</u></p> <ul style="list-style-type: none"> • Follow-up of the Second Round recommendations on government hiring systems: <ul style="list-style-type: none"> - New Developments - Results - Difficulties encountered and technical cooperation needs <hr/> <p><u>Participants:</u></p> <ul style="list-style-type: none"> - <u>The Public Service Commission (PSC)</u> Ms. Desiree Stephen Chief Personnel Officer Ms. Michelle Moses Senior Administrative Officer - <u>Department of Public Administration</u> Ms. Lyndonna Marshall Head, Reform Management Unit - <u>Office of the Ombudsman</u> Ms. Allison Miller Ombudsman Mr. Ronnie I. Marryshow Complaints Officer Mr. Marlhon Benjamin Investigations Officer - <u>Office of Integrity Commission</u> Ms. Elizabeth Henry Greenidge Operations Manager Mr. Alheyne Bartholomew Compliance Officer

4:00 am –5:00 pm	<p>Panel 2:</p> <ul style="list-style-type: none"> • Preventive measures that take into account the relationship between equitable compensation and probity in public service <ul style="list-style-type: none"> - Legal framework - Difficulties encountered and technical cooperation needs <p><u>Participants:</u></p> <ul style="list-style-type: none"> - <u>The Public Service Commission (PSC)</u> Ms. Desiree Stephen Chief Personnel Officer - <u>Department of Public Administration</u> Ms. Lyndonna Marshall Head, Reform Management Unit
5:00 pm	<p>Informal meeting between the representatives of the Subgroup member states and the Technical Secretariat</p>
Thursday, October 12, 2017	
9:30 am – 12:00 pm <i>GBHGR</i>	<p>Meetings with public authorities: Instructions given to the personnel of public agencies to assist them in understanding their responsibilities and the ethical rules governing them</p>
9:30 am –12:00 pm	<p>Panel 3:</p> <ul style="list-style-type: none"> • Instructions given to the personnel of public agencies to assist them in understanding their responsibilities and the ethical rules governing them: <ul style="list-style-type: none"> - Legal framework, programs, competent agencies, and use of technology - Results - Difficulties encountered in the implementation processes - Technical cooperation needs <p><u>Participants:</u></p> <ul style="list-style-type: none"> - <u>Audit Department</u> Mr. Philbert Charles Director of Audit - <u>Office of Integrity Commission</u>

	<p>Mr. Alheyno Bartholomew Compliance Officer</p> <p>Ms. Eunice Sandy-David Administrative Manager</p> <p>Mr. Robert Finlay Investigations/Compliance Officer</p> <ul style="list-style-type: none"> - <u>Supreme Court Registry</u> Ms. Alana Twum-Barimah Registrar
12:00 pm – 2:30 pm	Lunch
2:30 pm – 5:30 pm <i>GBHGR</i>	Meetings with public authorities: Systems for government procurement of goods and services
	<p><u>Panel 4:</u></p> <ul style="list-style-type: none"> • Systems for government procurement of goods and services: <ul style="list-style-type: none"> - New Developments - Results - Difficulties encountered in the implementation processes and technical cooperation needs
	<p><u>Participants:</u></p> <ul style="list-style-type: none"> - <u>Ministry of Finance/Office of Public Procurement</u> Terrence Victor Chief Procurement Officer Ms. Keri Wilson Online Content Manager
5:30 pm	Informal meeting between the representatives of the Subgroup member states and the Technical Secretariat
<u>Friday, October 13, 2017</u>	
9:30 pm – 12:00 pm <i>GBHGR</i>	Meetings with public authorities: Systems for the protection of corruption whistleblowers and criminalization of corruption offenses
9:30 am – 10:45 am	<p><u>Panel 5:</u></p> <ul style="list-style-type: none"> • Follow-up of the Second Round recommendations: Systems for the

	<p>protection of corruption whistleblowers</p> <ul style="list-style-type: none"> - New Developments - Results - Difficulties encountered in the implementation processes - Technical cooperation needs <p><u>Participants:</u></p> <ul style="list-style-type: none"> - <u>Office of Integrity Commission</u> Mr. Alheyno Bartholomew Compliance Officer Mr. Robert Finlay Investigations/Compliance Officer - <u>Public Prosecution Service</u> Mr. Christopher Nelson Director of Public Prosecution
11:00 am – 12:00 am	<p><u>Panel 6:</u></p> <ul style="list-style-type: none"> • Follow-up of the Second Round recommendations: Criminalization of corruption offenses - New developments - Results - Difficulties encountered in the implementation processes and technical cooperation needs
	<p><u>Participants:</u></p> <ul style="list-style-type: none"> - <u>Office of Integrity Commission</u> Mr. Alheyno Bartholomew Compliance Officer Mr. Robert Finlay Investigations/Compliance Officer - <u>Public Prosecution Service (MP)</u> Mr. Christopher Nelson Director of Public Prosecution
12:00 am – 12:30 am	Meeting between the representatives of the country under review, the member states of the subgroup and the Technical Secretariat
12:30 pm – 13:00 pm	Final informal meeting between the representatives of the Subgroup member states and the Technical Secretariat

**AUTHORITIES WHO SERVED AS CONTACTS IN THE COUNTRY UNDER REVIEW
FOR THE COORDINATION OF THE ON-SITE VISIT, AND REPRESENTATIVES OF
THE PRELIMINARY REVIEW SUBGROUP MEMBER STATES AND OF THE MESICIC
TECHNICAL SECRETARIAT WHO PARTICIPATED IN THE VISIT**

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